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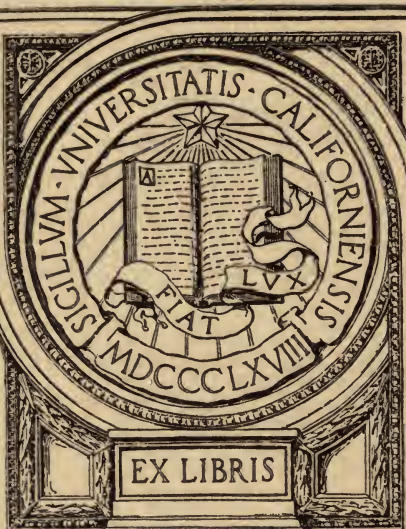
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State of Oklahoma



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STATE OF OKLAHOMA

LAWS AND OPINIONS *For the Regulation and Support of the* COMMON SCHOOLS

LAWS 1910

This Book is the property of School District No. _____

County of _____ Okla.

County Superintendent

*All the School Laws Now in Effect
Carefully Compiled and
Carefully Annotated*

PREPARED BY

HON. E. D. CAMERON, State Superintendent

AND

HON. JNO. W. WILKINSON, Assistant Superintendent

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OFFICIAL ENDORSEMENT

To the Teachers and School Officials of Oklahoma:

In accordance with the provisions of Section 5883 of Wilson's Statutes of Oklahoma which makes it my duty as State Superintendent to publish not more than once in two years the school laws in force, with such forms and regulations, instructions and decisions as may be judged expedient thereto annexed, I have arranged to have printed and distributed by Hon. Jasper Sipes of Oklahoma City several thousand copies of the School Laws.

These have been carefully compiled and arranged with cross references, so that the various passages quoted may be located in the Session Laws of the various Legislatures and their correctness easily ascertained. It is somewhat unfortunate that the Report of the State Code Commission is not available at this time so that all apparent conflicts in the Laws might be eliminated. However, we have done the best we could do under the circumstances and have added a system of cross references to the Session Laws so that wherever conflicts appear the provisions of the later statutes may be followed. The present compilation contains all the important school legislation passed by the Special Session of the Legislature of 1910 as well as that of all previous sessions. Much important legislation has been passed, but much additional legislation is needed.

I desire to thank publicly Hon. Bill Cross, Secretary of State, for copies of the Session Laws furnished my office for my use in compiling the copy for the School Laws; Hon. John W. Wilkinson, the Assistant Superintendent for his kind assistance in the work; and Prof. J. M. Osborn, County Superintendent Neil Humphrey, Prof. W. S. Calvert and others who kindly assisted in proof-reading the copy.

The thanks of all the teachers in the state are due Hon. Jasper Sipes for generously offering to print and distribute free, copies of the School Laws to all the teachers and school officials in the state upon request. The importance of this undertaking will be appreciated when it is known that the present condition of the State Printing Fund would not justify the publication of the School Laws at this time if printed at state expense.

Sincerely,

E. D. CAMERON,

State Superintendent

LIST OF COUNTY SUPERINTENDENTS FOR 1910

COUNTY	SUPERINTENDENT	POST OFFICE	
Adair	J. B. Johnson	Stilwell	Okla.
Alfalfa	Miss Gertrude Motter	Cherokee	Okla.
Atoka	I. L. Cook	Atoka	Okla.
Beaver	G. W. Meeks	Beaver	Okla.
Beckham	A. R. Harris	Sayre	Okla.
Blaine	Mrs. Emma Gard Mills	Watonga	Okla.
Bryan	H. C. King	Durant	Okla.
Caddo	Mrs. Wm. McFayden	Anadarko	Okla.
Canadian	Mrs. Kate Oldham	El Reno	Okla.
Carter	Mrs. Mary Niblack	Ardmore	Okla.
Cherokee	A. K. Ralston	Tahlequah	Okla.
Choctaw	H. G. Bennett	Hugo	Okla.
Cimarron	Mrs. Hettie Britton	Boise City	Okla.
Cleveland	B. R. McDonald	Norman	Okla.
Coal	M. H. Caywood	Coalgate	Okla.
Comanche	J. A. Johnson	Lawton	Okla.
Craig	H. W. C. Shelton	Vinita	Okla.
Creek	P. T. Frye	Sapulpa	Okla.
Custer	L. B. Snider	Arapaho	Okla.
Delaware	Steve Peak	Grove	Okla.
Dewey	E. M. Frost	Taloga	Okla.
Ellis	J. A. McLain	Arnett	Okla.
Garvin	Miss Pearl Bradfield	Pauls Valley	Okla.
Grady	R. H. Wilson	Chickasha	Okla.
Greer	G. W. Sims	Mangum	Okla.
Garfield	George Rainey	Enid	Okla.
Grant	C. M. Jacobson	Medford	Okla.
Harmon	G. P. Morton	Hollis	Okla.
Harper	Mrs. Alma Criswell	Buffalo	Okla.
Haskell	M. L. Cotton	Stigler	Okla.
Hughes	B. N. Hicks	Holdenville	Okla.
Jackson	J. M. Dale	Altus	Okla.
Jefferson	L. L. Wade	Ryan	Okla.
Johnson	J. Frank Lilly	Tishomingo	Okla.
Kay	E. A. Duke	Newkirk	Okla.
Kingfisher	G. E. Moore	Kingfisher	Okla.
Kiowa	Miss A. E. Lane	Hobart	Okla.
Latimer	Miss Alice Fleming	Wilburton	Okla.
Le Flore	A. H. Crouthamel	Poteau	Okla.
Lincoln	O. F. Hayes	Chandler	Okla.
Logan	Neil Humphrey	Guthrie	Okla.
Love	Mrs. R. Anderson	Marietta	Okla.
Major	Charles Wright	Fairview	Okla.
Marshall	W. M. Abernathy	Madill	Okla.
Mayes	Miss Carlotta Archer	Pryor Creek	Okla.
Murray	Miss Essie Bell	Sulphur	Okla.
Muskogee	J. F. Gambill	Muskogee	Okla.
McClain	A. J. French	Purcell	Okla.
McCurtain	P. K. Faison	Idabel	Okla.
McIntosh	L. G. McIntosh	Eufaula	Okla.
Noble	William Martin	Perry	Okla.
Nowata	Miss Blanche Larkin	Nowata	Okla.
Okfuskee	Mrs. Mae Noble	Okemah	Okla.
Oklahoma	Mrs. Mary Couch	Oklahoma City	Okla.

Okmulgee	E. B. Shotwell	Okmulgee	Okla.
Osage	W. E. Gill	Pawhuska	Okla.
Ottawa	J. T. Davis	Miami	Okla.
Pawnee	W. R. Robinson	Pawnee	Okla.
Payne	R. I. Bilyeu	Stillwater	Okla.
Pittsburg	L. E. Christian	McAlester	Okla.
Pontotoc	T. F. Pierce	Ada	Okla.
Pushmataha	Erskine Brantley	Antlers	Okla.
Pottawatomie	Clarence Robison	Tecumseh	Okla.
Roger Mills	T. C. Moore	Cheyenne	Okla.
Rogers	B. H. Hester	Claremore	Okla.
Seminole	W. F. Cooper	Wewoka	Okla.
Sequoyah	Fred Mershon	Sallisaw	Okla.
Stephens	G. A. Witt	Duncan	Okla.
Texas	H. B. Denman	Guymon	Okla.
Tillman	A. A. Rogers	Frederick	Okla.
Tulsa	William Sattgast	Tulsa	Okla.
Wagoner	Frank Shortall	Wagoner	Okla.
Washita	T. H. Hubbard	Cordell	Okla.
Woods	F. O. Hays	Alva	Okla.
Washington	Miss Amanda P. Morgan	Bartlesville	Okla.
Woodward	Mrs. Sadie Zimmerman	Woodward	Okla.

ARTICLE I.
STATE BOARD OF EDUCATION.

SECTION

1. Term of Office and Powers.

SECTION

2. Accepting Grades of Colleges.

Sec. 1. (7955-S.) Term of Office—Powers.—The State Superintendent of Public Instruction, the principal or president of the State Normal School at Edmond and the president of the University of Oklahoma, superintendent of city schools and one county superintendent to be appointed by the governor, shall constitute the State Board of Education. The members thus appointed shall hold for a term of two years.

The board shall have the power to grant State certificates and diplomas to teachers, certificates to conductors and instructors of normal institutes, shall prepare questions for county and city examinations. The State board shall estimate the amounts required to carry into effect the provisions of this article and it shall be the duty of the State Board of Equalization to levy a tax for the same. The State Board of Education shall be empowered to prepare such blanks as may be necessary to carry the provisions of this article into effect, and shall constitute an advisory board on all matters pertaining to the educational interests of the State. The members of the State Board of Education shall receive no compensation for services, but shall be allowed all necessary expenses incurred by the discharge of their duties as members of said board. (S. 1893, S. 5876.)

Amended by the State Constitution as follows: The supervision of instruction in the public schools shall be vested in a Board of Education whose powers and duties shall be prescribed by law. The Superintendent of Public Instruction shall be president of the board. Until otherwise provided by law the governor, secretary of state and attorney general shall be ex-officio members, and with the superintendent shall compose the Board of Education.

Art. XIII, S. 312. (Bunn's Constitution.)

An Act Conferring Certain Powers on the Board of Education. (Laws of 1901.)

Sec. 2. (7956-S.) May Accept Grades of Colleges, Other Than State Institutions: That upon the application of any college, university, or educational institution of like standing, incorporated under the general laws of the State of Oklahoma, the State Board of Education shall have power to examine the courses of study prescribed and the character of the work done and if in the judgment of said board, it shall prove to have as efficient a course of study as those of the State normal schools, the said board of education shall have power to accept grades given on academic subjects completed in course and passed in regular examinations to persons who are graduates of or who may hereafter be graduated from such institutions, in lieu of the examinations on the same subject required for State certificate which said board is empowered to give by Section one (1), Article ten (10), Chapter seventy-three (73), statutes of Oklahoma, 1893. (7955). (L. 1901, p. 214.)

ARTICLE II.

Superintendent of Public Instruction.

SECTION

1. Duties.
2. Apportionment.
3. Opinions.
4. Laws.

SECTION

5. Yearly Visits.
6. Office Where.
7. Biennial Reports.

Sec. 1. (7958-S).Duties: The educational interests of the State shall be under the supervision and management of the State Superintendent of Public Instruction subject to such limitations and restrictions as or may be prescribed by law; and he shall have and exercise the powers and perform the duties pertaining to such office. (S. 1893, S. 5880.)

Sec. 2. (7959-S).—Apportionment. As Amended by the Session Laws of 1908. S. B. No. 259:

1. The commissioners of the land office shall apportion the income of the state school fund, and the annual taxes collected by the State for the support of public schools, to those counties of the State from which proper reports have been received by the Superintendent of Public Instruction, and such apportionment shall be made as follows: All such moneys remaining in the State treasury on the 15th day of January shall be apportioned between the 15th and the last day of such month, and that remaining on the 15th day of July shall be apportioned between the 15th and the last day of such month. The apportionment to each county shall be made in proportion to the number of children over the age of six years and under the age of twenty-one years resident therein as shown by the last annual report of the county superintendent to the State superintendent. The commissioners of the land office in distributing all funds mentioned in this section, shall draw their order on the State treasurer or other officer having custody of such funds, in favor of the county treasurers of the counties respectively entitled to school moneys, for the amount of such moneys apportioned to his county, and certify the amount of such order to the State treasurer, and also to the county clerk and superintendent of the proper county: Provided, that the Federal appropriation made shall be apportioned by said commissioners after the passage of this act to the several counties entitled to the same under act of congress providing for said appropriation, in proportion to the number of children of school age shown by the last Federal census, and provided that for the year 1908, the commissioners of the land office shall have thirty days from and after the 15th day of March, 1908, in which to make the apportionment of school funds to the various counties of the State.

2. The commissioners of the land office are hereby authorized and empowered to make all necessary rules and regulations, for the purpose of carrying into effect the provisions of this law.

3. (Senate Bill No. 141.) "An Act to extend the time for making the apportionment of the school fund to the various counties by the State superintendent, and declaring an emergency," passed and approved January 17, 1908, is hereby repealed. (Ch. 76, Art. III., p. 666, L. 1908.)

Sec. 3. (7960-S).—Opinions: Such Superintendent shall, at the request of any county or city Superintendent, give his opinion upon a written statement of facts on all questions and controversies arising out of the interpretation and construction of the school laws in regard to the rights, powers and duties of township and city boards, school officers and county superintendents, and shall keep a record of all such opinions. Before giving any opinion which involves the construction of the school law the Superintendent shall submit the statement of facts to the attorney gen-

eral forthwith, for his opinion thereon, to examine such statements and suggest the proper opinion to be made upon such facts. (S. 1893, S. 5882.)

Sec. 4. (7961-S).—Laws: Such superintendent not more than once in two years may publish the school laws in force, with such forms, regulations, instructions and decisions as he may judge expedient thereto annexed and shall cause the same to be forwarded to the persons entitled to receive them. He shall prescribe and cause to be prepared all forms and blanks necessary in the details of the public school system, so as to secure its uniform operation throughout the State, and shall cause the same to be forwarded to the several county and city superintendents, to be by them distributed to the several persons or officers entitled to receive the same. (S. 1893, S. 5883.)

Sec. 5. (7962-S).—Yearly Visits: It shall be the duty of such superintendent to visit each county in the State at least once in each year, and as much oftener as may be consistent with the discharge of his duties, for the purpose of advancing and promoting the cause of education throughout the State, and to open such correspondence as may enable him to obtain all necessary information in relation to the system of schools in other states. (S. 1893. S. 5884.)

Sec. 6. (7963-S).—Office Where: Such superintendent shall have an office at the seat of government, where he shall keep all books and papers pertaining to the duties of his office, and all books, school and other, and all apparatus, maps and charts belonging to the office of the State Superintendent and such as may hereafter be received for such office by purchase, exchange or otherwise, shall be kept and preserved in such office and delivered by the superintendent to his successor. He shall file and carefully preserve in his office, the official reports made to him by the county superintendents of the several counties, trustees or directors of academies, graded schools or colleges. (S. 1893, S. 5885.)

Sec. 7. (7964-S).—Biennial Reports: The superintendent shall, on the first day of December preceding each regular session of the legislature, make out and deliver to the governor a report containing:

First. A statement of the number of public schools in the State, the number of pupils attending the same, their sex, and the branches taught; a statement of the number of private schools in the State, so far as can be ascertained, and the number of pupils attending the same, their sex, and the branches taught; a statement of the normal schools in the State and the number of students attending them; the number of academies and colleges in the State, the number of students and their sex, attending them; and such other matters of interest as he may deem expedient, drawn from the reports of the county superintendents of the several counties in the State, and from other reports received on the subject of education from the trustees or other school boards within the State.

Second. A statement of the condition of the public school funds of the State, including moneys, school lands or other property held in trust by the State for the support of the public schools, and giving a full statement of the school land account of each county.

Third. A statement of the receipts and expenditures of the year.

Fourth. A statement of the plans for the management and improvements of public schools, and such other information relating to the educational interests of the State as he may deem important. (S. 1893, S. 5886.)

ARTICLE III.
County Superintendent.

SECTION

1. Creating Office.
2. Oath and Bond.
3. Quarterly Report—Visitation.
4. Apportioning School Funds.
5. Report to County Clerk.
6. Report to State Superintendent.
7. Board of Directors—Vacancies.
8. Vacancy in County Supt's. Office.

SECTION

9. Clerks to Make Report.
10. Records.
11. Division for Districts.
12. White and Colored Districts.
13. Notice and First Meeting.
14. Deputy Superintendent—Qualifications.
15. Forfeiture of Office.
16. Salary and Compensation.

Sec. 1. (7965-S).—Creating Office: There is hereby created the office of county superintendent of public instruction for each county in Oklahoma, which office shall be filled as hereinafter provided by election and appointment, and, when elected shall be elected at the same time and in the same manner as other county officers, and his term of office shall be for a period of two years, or until his successor is elected and qualified. (S. 1893, S. 5749.)

(As Amended 1899) The term of office of the county superintendent of public instruction shall commence on the first Monday in July after his election.

Sec. 2. (7966-S).—Oath and Bond: The county superintendent of public instruction, shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation to support the constitution of the United States and of Oklahoma, to faithfully discharge the duties of such office, and execute to the State of Oklahoma a bond in the sum of one thousand dollars, conditioned to the faithful performance of his duties; which bond, after having been approved by the board of county commissioners, together with his official oath shall be filed in the office of the county clerk. (S. 1893, S. 5750.)

Sec. 3. (7967-S).—General Quarterly Report, Visitation, etc: It shall be the duty of the county superintendent of public instruction to visit each school in his county at least once each term of six months, correcting any deficiency that may exist in the government of the school, the classification of the pupils, or the method of instruction in the several branches taught, to make such suggestions in private to the teachers as he shall deem proper and necessary to the welfare of the school, to note the character and condition of the school house, furniture, apparatus and grounds, and make a report in writing to the district board, making such suggestions as in his opinion shall improve the same; to examine the accounts and record books of the district officers, and see that they are kept as required by law; to encourage the formation of associations of teachers and educators for mutual improvement, and as far as possible to attend the meetings of such associations, and participate in the exercises of the same, to attend the normal held in his county, using his influence to secure the attendance of teachers; to make daily personal inspection of the work of the institute in session, and to keep a record of the same in his office, to do such work in connection with the exercises of the institute as he may deem necessary; to hold a public meeting in each school district of his county, at least once every year, for the purpose of discussing school questions and elevating the standard of education; to keep his office open at the county seat Saturday of each week and in counties in which the county superintendent receives a salary of more than six hundred dollars per annum, he shall keep his office open when not necessarily absent attending to his official duties. He shall keep a complete record of his official acts; a record of the name, age and postoffice address of

each candidate for a teacher's certificate, with the number of weeks said candidate has attended a normal school or institute, the number of weeks he has taught, his standing in each study and the date of issue and expiration of each certificate granted. He shall keep a register of the teachers employed in his county, giving name of teacher, number of district in which he is employed, dates of opening and closing term, salary per month, grade of certificate and date of superintendent's visit. He shall keep a record of the semi-annual apportionment of the State and county school funds, and such other statistical records as shall be required in making reports to the State superintendent of public instruction. He shall make out and transmit to the State superintendent, on the last Monday in March, June, September and December of each year, a report showing the number of school visits made with the average length of time spent in each visit, the number of consultations held with school officers, the number of days his office has been kept open, the number of district treasurers' and clerks' record books examined, the number of teachers' meetings attended, the number of public lectures delivered and such other information as the State superintendent may require regarding the duties of such county superintendent; and until such reports shall have been forwarded to the State superintendent, and a copy thereof filed with the county clerk for publication, and that fact certified by the said county superintendent to the board of county commissioners, the warrant for his salary shall not be drawn. The county superintendent shall obtain from the county clerk, at least ten days before the time for holding the annual school meeting each year, a certified statement of the total assessed valuation of the property of each school district in his county and immediately certify the same to the several school district clerks of his county, for the information of the annual school meeting; and it is hereby made the duty of said county clerks to make out said certified statements and deliver the same to the county superintendent. (S. 1893, S. 5751.)

Sec. 4. (7968-S).—Apportioning School Funds: Within five days after receiving the certificate of the State Superintendent of public instruction informing him of the amount of State school fund which has been apportioned to his county, the county superintendent shall apportion the same, together with the unapportioned county school fund in the county treasury, among the school districts and parts of districts in such county in the ratio of the number of persons of school age residing in each district or part of district, as shown by the last annual reports of the several clerks of such districts and parts of districts: **Provided**, that no district in which a common school has not been taught for at least three months the last preceding school year shall be entitled to receive any portion of said funds, and he shall draw his order on the county treasurer in favor of each of the several school district treasurers for the amount apportioned to such district: **Provided**, however, that counties in which districts have not been organized, and schools taught said districts shall be entitled to receive the school fund due said districts under the apportionment. (S. 1893, S. 5752.)

Sec. 5. (7969-S).—Report to County Clerk: It shall be the duty of the county superintendent of public instruction on or before the fourth day of July of each year, to furnish the clerk of the county a description of the boundary of each and every school district and part of district in such county. (S. 1893, S. 5753.)

Sec. 6. (7970-S).—Annual Report to State Superintendent: He shall, on or before the fifteenth day of October of each year, make out and transmit in writing to the State superintendent of public instruction a report, bearing date October first, containing a statement of the number of the school districts or parts of districts in the county, and the number of children and their sex, resident in each, over the age of six and under the age of twenty-one years; a statement of the number of districts schools in the

county, the length of time the school has been taught in each, the number of scholars attending the same, their sex, the branches taught and the text books used; the number of teachers employed in the same and their sex, a statement of the number of private or select schools in the county, so far as the same can be ascertained, and the number of teachers employed in the same, their sex, and the branches taught; a statement of the number of graded schools in the county, the length of time school has been taught in each, and the number of scholars attending the same, their sex, and the branches taught, the number of teachers employed in the same, and their sex; a statement of the condition of the normal school where such school has been established, the number of students attending the same, their sex, and the number of teachers employed in the same and their sex; a statement of the county normal institute; a statement of the number of colleges and academies in the county, and the number of students attending the same, their sex, the number of teachers employed in each and their sex; a statement of the amount of public money received in each district or part of district, and what portion of the same, if any, has been appropriated to the support of graded schools; a statement of the amount of money raised in each district by tax, and paid for teachers' wages in addition to the public money paid therefor; the amount of money raised by tax or otherwise for the purpose of purchasing school site for building, hiring, purchasing, repairing, furnishing or insuring school house, or for any other purpose allowed by law, in the district or parts of districts. (S. 1893, S. 5754. See also Ag. and Ind. Ed. 4 and Art. XXXIII., 9 and 15.)

Sec. 7. (7971-S).—Board of Directors—Vacancies—How Filled: Should a vacancy occur in the board of directors of any school district, it shall be the duty of the county superintendent to appoint some suitable person, a resident of the district to fill the same; and the person so appointed shall continue in office until the next annual meeting thereafter and until his successor is elected and qualified. (S. 1893, S. 5756.)

Sec. 8. (7972-S.) Vacancy in Office of County Superintendent.—When a vacancy occurs in the office of county superintendent of public instruction, by death, resignation or otherwise, notice thereof shall be given by the county clerk to the board of county commissioners, who shall, as soon as practicable, appoint some suitable person to fill the vacancy; and the person receiving appointment shall before entering upon the discharge of the duties of his office, file his oath or affirmation, and bond in the county clerk's office as hereinbefore provided, and shall hold his office until his successor is elected and qualified: Provided, That no person shall be eligible to the office of county superintendent of public instruction who is not a graduate of some institute of learning, which shall be shown by diploma thereof, or that he is the holder of a first class certificate. (S. 1893, S. 5757.)

Sec. 9. (7973-S).—Clerks Shall Make Reports: He shall see that the annual reports of the clerks of the several districts and parts of districts in his county are made correctly and in due time; he shall have power to administer oaths in all cases in which an oath is made necessary by any provision of the school law; except in the qualifying of county superintendents and their sureties. (S. 1893, S. 5758.)

Sec. 10 (7974-S).—Records: The county superintendent of public instruction of the respective counties of this State may purchase for each organized school district in his county, not having sufficient records, one set of school district records, consisting of district clerk's records and other (order) books, district treasurer's book and a teacher's daily register; each of said books shall contain such printed forms and instructions as will enable the teacher and the school district officer to perform with correctness and accuracy their several duties as required by law: Provided,

The entire set of said records as above enumerated, shall not exceed in cost four dollars for each set; and the said superintendent shall draw his order or warrant on the county treasurer in favor of the person he purchased said books of, for the amount of the purchase money, and it is hereby made the duty of said treasurer to pay said warrant or order out of any money in his hands belonging to the respective districts in his county: Provided, That no funds in the hands of the county treasurer belonging to the several school districts of his county, shall be diverted from the object for which said fund was raised, and said superintendent shall deliver said books to the clerk of the district board of said district. (S. 1893, S. 5759.)

An Act relating to schools and amendatory of Section 12, Article 1, Chapter 73 of the Statutes of Oklahoma.

Sec. 11. (7975-S).—Division of County Into School Districts: (As amended, 1897.) It shall be the duty of the county superintendent of public instruction to divide the county into a convenient number of school districts and to change such districts when the interests of the people may require it, by making them conform to existing topographical or physical conditions; but only after twenty days' notice thereof, by written notice posted in at least five public places in the district or districts so affected; but no district shall be formed containing less than eight persons of school age, and no district having a bonded indebtedness shall be so changed that such indebtedness shall exceed four per cent of the assessed property valuation of such district. See Art. XXVII. The Constitution makes the limit five per cent. (See Art. X., S. 292, p. 78, Bunn's Con.)

Provided, That no district shall be changed under the provisions of this act, except upon a petition to the county superintendent signed by at least one-third of the qualified electors of such district.

Provided, Further, That one-fourth of the qualified electors of any district affected by such change, may join in appeal to the board of county commissioners from the action of the county superintendent, and their decision shall be final: Provided, That notice of such appeal shall be served on the county superintendent within ten days after the time of posting the formation or alteration of such district. Such notice shall be in writing and shall state fully the objections to the action of the county superintendent, a copy of which shall be filed with the county clerk, and also with the clerks of all districts affected by such alteration; Provided, Also, That such appeal shall be heard and decided by a majority of the board of county commissioners at their next regular meeting, and, if such appeal is not sustained by them, the county superintendent shall proceed to appoint the time and place for said first district meeting, which shall then proceed as by law required. Such superintendent shall number school districts when they are formed, and he shall keep in a book for that purpose, a description of the boundaries of each school district and part of district in his county, with a plat of same, date of organization, date and full record of all changes of boundaries, and a list of district officers in his county, the date of election or appointment and the time the term of each is to expire. (S. 1897, p. 271.)

Sec. 12. (7976-S).—Not to Affect Formation of White and Colored Districts: The provisions of this act shall not be construed as limiting the operation of any act or parts of acts providing for the formation of separate districts for white and colored children, but the formation of any district under such act shall be construed to be the formation of a new district with like effect as though such new district was formed in territory unorganized for school purposes. (L. 1897, p. 273.)

Sec. 13. (7977-S).—Notice and First Meeting: When a school district shall be formed in any county the county superintendent of public instruction of such county shall, within fifteen days thereafter, prepare a notice

of the formation of such district, describing its boundaries and stating the number thereof. He shall cause the notices thus prepared to be posted in at least five public places in the district, and in case there shall be no appeal, shall in ten days thereafter, in like manner, appoint a time and place for special district meeting for the election of officers and the transaction of such business as is prescribed by law for regular school district meetings. (S. 1893, S. 5761.)

An Act amendatory of Section 14, of Article 1, Chapter 73, being general Section (5762) of the Statutes of 1895, entitled "Schools."

Note.—There is no such Section as that mentioned in the foregoing title. The body of the Act refers, however, to the Statutes of 1893, where the amended Section is found.

Sec. 14. (7978-S).—Deputy Employed—Qualifications: He shall discharge such other duties as may be prescribed by law, and when the duties of the office require it he may at his own cost, employ an assistant who shall have all the qualifications required of the principal, and before entering upon the discharge of the duties of his office shall take and subscribe the oath of office required by Section 7976-S. Such assistant shall be liable, and may, in the name of his principal, do any official act that the principal might legally do: Provided, Nothing in this section shall be construed to relieve the principal from liability on his bond for any breach of the conditions thereof by such assistant. He shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, records and fixtures appertaining to his office. (L. 1899, p. 227.)

Sec. 15. (7979-S).—Forfeiture of Office—When: Every county superintendent who shall neglect or refuse to perform any act which it is his duty to perform, or shall corruptly or oppressively perform such duties, will forfeit his office and shall be liable on his official bond for all damages occasioned thereby, to be recovered in the name of the State for the benefit of the proper party, district or county. (S. 1893, S. 5763.)

An Act Relating to the Term of Office of the County Superintendent of Public Instruction.

Sec. 16. (7980-S).—Term of Office: The term of office of the county superintendent of public instruction elected in each county at the general election in the year 1900 and at each general election thereafter shall commence on the first Monday in July after his election. (L. 1899, p. 225.)

An Act to Regulate the Salaries and Expenses of County Superintendents and Declaring an Emergency.

Sec. 16. (7981-S).—Salary and Compensation: The county superintendent of public instruction of each county in this State shall receive an annual salary to be paid quarterly out of the county treasury by order of the county commissioners, as follows:

In counties having a population of not over 10,000	\$ 800.00
In counties having a population over 10,000 and not over 20,000..	1,200.00
In counties having a population over 20,000 and not over 30,000.....	1,400.00
In counties having a population of over 30,000 and not over 40,000...	1,600.00
In counties having a population of over 40,000	1,800.00

In addition to the annual salary, he shall receive one dollar for each school visited within his jurisdiction, provided this shall not be construed to include more than one visit in any school year. He shall also receive not to exceed \$150 per year for clerk hire, and in counties with a population of 25,000 or more according to the federal census of 1907, may employ one clerk at a salary not to exceed \$50 per month to be paid in the same manner as county superintendents are paid. (L. 1909, H. B. 230.)

NOTE.—This probably repeals legislation of 1897, P. 180 L. 1897, regulating county superintendents' salaries since no county has a population of less than 10,000 inhabitants, etc.

ARTICLE IV.

Book and Supplies.

SECTION

1. Creating Text Book Commission.
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4. Disposition of Deposit—Readvertisement
5. Bonds.
6. Opening of Bids.
7. Points to be Considered.
8. Price not to Exceed that of Other States.
9. Bidder's Sworn Statement of General Price.
10. Procuring Change of Series—Misdemeanor
11. Unlawful to Purchase—When.
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13. Requisites of Contract.
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SECTION

15. Distribution of Books and Supplies.
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18. Trustees of Public School Meetings—Supplies Considered.
19. Exclusive Use.
20. Preventing Use—Penalty.
21. Commission May Make Regulation.
22. Combination on Prices.
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25. Construction of "Common Schools."
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Sec. 1 (7982-S). Creating Text-Book Commission.—There is hereby created a commission to be composed of seven members, to be known as the "Text Book Commission," consisting of the governor and six other persons of recognized ability, residents of this state, a majority of whom shall be experienced educators, who shall be appointed by the governor and approved by the senate, to serve for a term of five years and until their successors are appointed and qualified, unless sooner removed. Any vacancy occurring upon the commission from any cause, shall be filled by appointment by the Governor, as in the first instance. A majority of said commission shall constitute a quorum for the transaction of all business of the commission. Before transacting any business relating to the duties of the commission, they shall each, in addition to the oath prescribed by the constitution, take an oath before some person authorized to administer same, to faithfully discharge all the duties imposed upon them as members of the text book commission, and that they have no interest, directly or indirectly in any contract that may be made under this act, and will receive no personal benefit therefrom, that they will examine all books submitted carefully and faithfully, as herein directed and prescribed, and said oath shall be filed in the office of the Secretary of State.

The Secretary of said Commission shall keep a correct record of all proceedings, votes and actions of the Commission, which said records shall be deposited in the office of the Secretary of State, at the time when said Commission is not in session. All votes upon any proposition submitted to the Commission shall be by yea and nay, and recorded on the journal of the day's proceedings. No person shall be appointed to serve on said Commission who has been in the employ, directly or indirectly, as traveling salesman, or otherwise, for any publisher of school text books. (L. 1907, S. P. 680.)

Sec. 2 (7983—S.) To Adopt Uniform System.—The text book commission shall be called together by the governor, within thirty days after the passage and approval of this act, and said commission is hereby empowered to select and adopt a uniform system or series of school text books, registers, records, maps, charts, globes, and other school apparatus, for use in all the common schools of Oklahoma and the series so selected shall include all the studies taught in the common schools of the State up to and including the twelfth grade; Provided, That none of said text books shall contain anything of a partisan or sectarian character. Each bidder presenting books for adoption shall state at what price the books are offered, as basic books and as supplementary books; Provided, That the commission may adopt

supplementary readers, but such readers shall not be used to the exclusion of the basic readers. The duly constituted authorities in charge of any private school, or other educational institution, desiring to use any of the books selected by said commission in such school shall have the privilege of buying said books at the same price and on the same terms at which they are furnished to the common schools. (L. 1907—8, P. 681.)

Sec. 3. (7984-S.) Advertise for Bids—Regulations.—As soon as practicable, at the time fixed in the notice and in such manner as the commission may deem best, the commission shall advertise, for at least thirty days, for sealed bids or proposals from the publishers of said text books, for furnishing books, registers, records and apparatus to the common schools of this State as heretofore provided. The bids or proposals shall be for furnishing the books, registers, records, and apparatus for a period of five years, commencing August first, Nineteen Hundred Eight. Each bid shall state specifically and clearly the retail price at which each book, register, record, and apparatus shall be furnished. Each bid or proposal shall be accompanied with specimen copies of each and all books offered in said bid which specimen copies of books shall be sent by express or mail, to the Governor, and it shall be required that each bidder deposit with the Secretary of the State of Oklahoma such sum of money as the commission shall require, not less than five hundred dollars, nor more than twenty-five hundred dollars, according to the value of the books, registers, records, and apparatus each bidder may propose to supply. Such deposit shall be forfeited to the State if such bidder so depositing shall fail to make and execute such contract and bond as provided in this act within such time as the commission may require, which time shall be specified in the notice advertised, each bid shall be accompanied with a sworn statement, showing the ownership of such publishing house, with the interest, names and addresses of such owners, and specially stating whether or not the said publishers or the owners of any interest or share of any such publishing house are the owners of any interest or share of any other publishing house, and if so, give the name and address thereof, and further state in said affidavit that no member of the commission is in any manner interested, directly or indirectly, in such firm or corporation submitting said bid. If the fact shall be disclosed that any member of the commission is so interested, it shall work a disqualification of such member of the commission, and he shall not be permitted to serve on such commission, or if it should further appear or be disclosed that a member of the commission is interested in any book or series of books as the author or the associate author, or that any member of the commission is interested in any such book or series of books in any manner, such shall likewise work a disqualification of such member and he shall not be permitted to serve on the commission. Each member of the commission, after a called session of the commission, at which any books are adopted, shall make out and file with the Secretary of State an affidavit that he is not, and has not been directly or indirectly interested in or related to any publishing house, person, firm, or corporation submitting any book, register, record, manuscript or school apparatus for adoption, or in any book, register, record, manuscript or school apparatus offered for adoption, nor is he related to any person or agents representing such house, person, firm or corporation and that he will not accept any position as agent or representative of any person, firm or corporation to whom any contract may be awarded by said commission during the term and duration of said contract, and that he is not related to any person or agents representing such house, firm or corporation. Any contract entered into under the provisions of this act with any publishers who may hereafter become a party to any combination or trust for the purpose of raising the price of

school text books, registers, records or school apparatus used in this state, at the wish of the Commission, shall become null and void. (S. 1907-8, p. 682.)

Sec. 4. (7985—S.) Disposition of Deposit—Readvertisement.—All bids shall be sealed and deposited with the chairman of the Commission to be by him delivered to the Commission in executive session, for the purpose of considering the same. When any person, firm or corporation has been awarded a contract and the contract and bond required has been filed with the Commission, it shall make an order on the Treasurer of the State, reciting such fact, and thereupon the Treasurer shall return the deposit of such bidder, but if any successful bidder shall fail to make the contract and bond, as heretofore provided, the Treasurer shall place the deposit of such bidder in the State Treasury to the credit of the available school fund, and the Commission shall readvertise for other bids to supply such books or school apparatus, which said bidders may have failed to supply. All unsuccessful bidders shall have their deposits returned to them as soon as the Commission has decided not to accept their bids. All books adopted by the Commission shall be printed in English, except such text books as may be adopted for the teaching of any foreign language. The Commission shall stipulate in the contract that where a change shall have been made from the books now in use in this State, the contract or contractors shall take in exchange the respective books and receive the same in exchange for new books at a price not less than fifty per cent of the contract price. Such exchange period shall not continue longer than one year from the date of contract. (L. 1907-8, P. 683.)

Sec. 5 (7986-S.) Bonds.—The bidder or bidders to whom any contract may have been awarded shall make and execute a good and sufficient bond payable to the State of Oklahoma in the sum of not less than ten thousand dollars, to be approved by the Governor, such bond to be conditioned that the contractor or contractors shall faithfully perform all conditions of the contract. The contract and bond shall be prepared by the Attorney General and shall be made to conform with all the requirements of this act, and shall be payable in the county where the seat of government of this State is located, which shall be deposited in the office of the Secretary of State. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered, and the Commission, may, after twenty days' notice, require a new bond to be given, and in the event the contractor or contractors shall fail to furnish such new bond the contract of the contractor or contractors may, at the option of the Commission, be forfeited. (L. 1907-8, P. 684.)

Sec. 6. Opening Bids.—It shall be the duty of the Commission to meet at the time and the place mentioned in the notice and advertisement and it shall adopt such rules and regulations as may be necessary to the transaction of its business, not contrary to the provisions of this act, and shall then and there open and examine the sealed proposals received, and it shall be the duty of the Commission to make a full and complete investigation of all books, registers, records and school apparatus and bids accompanying the same. Each person, company or corporation submitting bids or proposals shall be permitted to file a written statement as to the merits of any book or books, register, record or school apparatus offered by such bidder, or they may be permitted to appear in person, or by a duly authorized agent, before said Commission and the party so appearing or representing the claims of any bidder, shall deposit with the Commission his proper credentials or authority to represent such bidder. Every person who appears before the Commission in advocacy of the adoption or rejection of any book, register, record, manuscript or any school apparatus shall file an affidavit showing fully in what capacity he appears and whether he is rep-

representing as agents or otherwise any bidder, or whether he has received or has a contract to receive pay for his services in appearing before said Commission: Provided, That no State official of this State shall be allowed to appear as the agent or representative of any text book company, firm, or corporation. (L. 1907-8, P. 684.)

Sec. 7. (7988-S.) Points to be Considered—Home Authors Preference.—The literary merits and historical accuracy of all books shall be the main point to be considered in their adoption, and the books shall be selected after a careful examination and consideration of all the books presented, and books selected shall be those which, in the opinion of the Commission, are most acceptable for use in the various schools of the State, quality, mechanical construction, paper, print, price, authorship and any other relevant matter being given such weight in making its decision as the Commission may deem advisable: Provided, That books by Oklahoma authors shall have preference, merit and price being equal. The Commission shall proceed without delay to adopt, for use in the common schools of this State, text books in the schools hereinbefore mentioned, and shall notify publishers to whom contracts are awarded. Each contract shall be duly signed by the publishing house or its authorized officers or agents, and if it is found to be in accordance with the award and all the provisions of this act, and if the bond herein required is presented and duly approved, the Commission shall approve said contract and order it to be signed on behalf of the State, by the Governor. All contracts shall be made in duplicate and one copy shall remain in the custody of the Secretary of State and be copied in full in the minutes of the meeting of the Commission in a well bound book, and the other copy to be delivered to the publisher or agent thereof. All the books, registers and records furnished under such contract shall be equal in all respects to the specimen or sample copies furnished with the bids; and it shall be the duty of the State Superintendent of Public Instruction to preserve in his office, as the standard of quality and excellence to be maintained in such books, registers and records during the continuance of such contract, the specimen or sample copies of all books, registers and records which have been the basis of any contract, together with the original bid and proposal. The contract and exchange price of each book shall be plainly printed on the back of each book, together with the following notice: "The price marked hereon is fixed by the State and any deviation therefrom should be reported to the State Superintendent of Public Instruction." (L. 1907 P. 685.)

Sec. 8. (7988-S.) Price Not to Exceed That of Other States.—The Commission shall not, in any case, contract with any publisher of any book or books, registers and records, or any person, firm or corporation submitting bids for furnishing charts, maps, globes or other school apparatus to be used in the common schools of the state, at a price in excess of the lowest price at which such publishers or bidders furnishes and distributes the same book or books, registers, records, or school apparatus under contract with any other State, county or school district in the United States, under like conditions of distribution. (L. 1907-8, P. 686.)

Sec. 9. (7990-S.) Bidders' Sworn Statement of General Price.—The publishers or bidders shall file with each proposal a sworn statement of the lowest price at which each book, chart, map, globe, or other apparatus offered is sold anywhere in the United States, under like conditions of distribution. Said publishers or bidders must further agree to reduce the price of any book or apparatus adopted by the Commission if reductions are made below such contract price anywhere in the United States, so that at no time may any book or apparatus be sold in Oklahoma at a higher price than is received for the same book, register, record or apparatus elsewhere in the

United States where like conditions of distribution prevail. (L. 1907-8, P. 686.)

Sec. 10. (7991—S.) Procuring Change of Series—Misdemeanor.—Any publisher, person, firm or corporation submitting bids, or agent of such publisher, person, firm or corporation, who shall connive at or seek to procure a change of the series of text books, registers, records or any school apparatus by the Commission before the expiration of the period in which a uniform system of text books is established in this State shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars and not more than one hundred dollars for each offense. (L. 1907-8, P. 686.)

Sec. 11. (7992-S.) Unlawful to Purchase Supplies—When.—It shall be unlawful for any teacher, trustees or school board of any common school in this State to purchase or contract for any chart, map, globe or other school apparatus, unless the same shall have been submitted to the Text Book Commission of the State at a regular or special session, and by them approved and a maximum price thereof fixed by said Commission. (L. 1907-8, P. 687.)

Sec. 12. (7993-S.) Unlawful to Sell—What.—Any person who shall sell to any teacher, trustee or school board of any common school of this State, any chart, map, globe, or other school apparatus which has not been approved by the text book commission of this State, and any person who shall request or endeavor to persuade any such teacher, trustee or school board, or any member thereof, to purchase any chart, map, globe or other school apparatus, the sale of which is hereby prohibited, shall be deemed guilty of a misdemeanor and liable to a fine of not less than fifty nor more than two hundred dollars. (L. 1907-8, P. 687.)

Sec. 13. (7994-S.) Requisites of Contract.—It shall be a part of the terms and conditions of every contract made in pursuance of this act that the State of Oklahoma shall not be liable to any contractor thereunder for any sum whatever, but all such contracts shall receive compensation solely and exclusively from the proceeds of the sales of school books as provided in this act, and it is hereby provided that the State shall have the right to terminate said contract whenever the law is repealed or amended, altered or qualified as to make necessary or expedient that such contract should be revoked, or as to such book or books, registers and records as may be published by or at the cost of the State: Provided, Further, That the commission shall have the power by a majority vote, to discontinue the use of unsatisfactory books, registers and records at the end of any school year during the continuance of this contract and to make another adoption, and all contracts shall contain a stipulation to that effect. The State may, at its election, cancel any contract entered into by virtue of the provisions of this act, for fraud or collusion upon the part of either party to the contract or any member of the commission or any person, firm, corporation or their agents making said bond or contract, and for the cancellation of any such contract, the Attorney General is hereby authorized to bring suit in any court of competent jurisdiction in the State, and in case of the cancellation of any contract as provided in this act, the damages are fixed at not less than the amount of said bond, to be recovered as liquidated damages in the same suit cancelling such said contract. And on account of the difficulty in determining the damage that might accrue by reason of such fraud and cancellation of such contract, the full amount of the bond given by any contractor shall be considered as liquidated damages, to be recovered out of said bond by the State at the suit of the Attorney General and every contract shall contain a clause to this effect. (L. 1907-8, P. 687.)

Sec. 14. (7995-S.) Commission May Reject All Bids.—The Text Book Commission shall have and reserve the right to reject any and all bids or

proposals, if said Commission be of the opinion that any or all bids should, for any reason, be rejected; and in case they fail, from among the bids or proposals submitted, to select any book or books, registers, records and apparatus upon any of the branches of study provided for in this act, they may advertise for sealed bids or proposals under the same terms and conditions as before, and proceed in their investigation in all respects as they did in the first instance, and as required by the terms and provisions of this act. (L. 1907-8, P. 688.)

Sec. 15. 7996-S.) Distribution of Books and Supplies.—The party or parties with whom the contract shall be made shall place their books, registers, records and school apparatus on sale at as many places in each county of the State as the Commission may direct for the distribution of the books to the patrons, and the contractor shall be permitted to make arrangements with the merchants or other persons for the handling and distribution of the books. All books shall be sold to the consumer at the retail price fixed by the Commission. Upon the failure of any contractor under the provisions of this act to furnish the books, registers, records or apparatus as provided in this contract, the County Superintendent of Public Instruction of such county shall immediately report the fact to the Attorney General and he shall bring suit on account of such failure, in the name of the State of Oklahoma, in any court of competent jurisdiction in the State, and shall recover on the bond given by such contractor for the full value of the books, registers, records, and apparatus not furnished as required, and in addition thereto the sum of one hundred dollars, and the amounts so recovered shall be placed to the credit of the available school fund of the State. (L. 1907-8, P. 688.)

Sec. 16. (7997-S.) Proclamation by Governor.—As soon as the State shall have entered into the contract for furnishing the books and apparatus for use in the common schools of the State, under the provisions of this Act, it shall be the duty of the Governor to issue his proclamation of such fact to the people of the State and, immediately thereafter, the State Superintendent of Public Instruction shall address a circular letter to the County Superintendents, trustees and school boards of the various schools of the State, which circular letter shall contain a list of the books, registers, records and apparatus adopted, with their respective prices, together with such other information as he may deem advisable. (L. 1907-8 P. 689.)

Sec. 17. (7998-S.) Receiving More Than Contract Price—Misdemeanor.—If any local agent, dealer, clerk or other person handling or selling the books, registers, records, maps, charts or other apparatus adopted under this act, shall demand or receive for a copy of any of the books, registers, records or for any chart, map, globe or other apparatus adopted under this act more than the contract price, he shall be guilty of a misdemeanor and, upon conviction, shall, for each offense, be punished by a fine of not less than fifty dollars nor more than five hundred dollars. (L. 1907-8, P. 689.)

Sec. 18. (7998-S.) Trustees of School Meeting—Supplies Considered.—The trustees and school boards of the various schools of the State using books, registers, records and apparatus adopted by the Commission shall hold annual meetings and make an estimate of the number of school text books, registers, records and apparatus needed in said school for the term commencing therein, and a report thereof shall be made to the county superintendent of public instruction in said county immediately, and not later than the first day of August next thereafter, and the tenth of August of each year, and oftener, if the necessity of a school requires it, make out his requisition from the report so received and from any other source, and send it to the State Superintendent, when such books are printed by the State or the school book publisher or publishers having contracts under

the provisions of this act, stating therein the number of books, registers, records and apparatus of each kind needed for the schools of his county. (L. 1907-8, P. 689.)

Sec. 19. (8000-S.) Those Adopted to be Used Exclusively.—The books and apparatus adopted by the Commission under the provisions of this act, shall be introduced and used as text books, registers, records and apparatus to the exclusion of all others, in the common schools of this State, as hereinbefore provided, but nothing in this act shall be construed to prevent or prohibit the patrons of the common schools in the State from procuring books, registers, records and apparatus in the usual way in the event that the State does not publish such books, registers, records, or manufacture such apparatus in the event that no contracts are made, or in the event that the contractor or contractors fail or refuse to furnish the books, registers, records or apparatus provided for in this act, at the time that said books or apparatus are required for use in the schools. (L. 1907-8, P. 690.)

Sec. 20. (8001-S.) Preventing Use of—Penalty.—Any school trustee who shall prevent or aid in preventing the use, in any common school in this State, of the books, registers, records and apparatus, or any of them, as adopted under the provisions of this act, or any teacher in this State who shall wilfully fail or refuse to use the books, registers, records and apparatus adopted under the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than twenty-five dollars nor more than fifty dollars for each offense, and each day of such willful failure or refusal of said teachers, or willful prevention of the use of the books, registers, records or apparatus by said school trustee, shall constitute a separate offense. (L. 1907-S, P. 690.)

Sec. 21. (8002-S.) Commission May Make Regulations.—The Commission may, from time to time, make any necessary regulations, not contrary to the provisions of this act, to secure the prompt distribution of the books, registers, records and apparatus herein provided for, and for the prompt and faithful execution of all contracts; and it is now expressly provided for that said Commission shall maintain its organization during the continuance of the contracts to be entered into during the year Nineteen Hundred Eight and after the expiration of same, to reorganize the Commission for a period of five years, as in the first instance, and enter into such other contracts in pursuance of this act as they may deem for the best interests of the patrons of the common schools of the State: Provided, That said Commission shall be discontinued at such time when the efficiency for the publication of such books, registers and records provided for in this act, by the State, makes the continuance of said Commission unnecessary. (L. 1907-8, P. 690.)

Sec. 22. (8003-S.) In case of Combination on Prices.—If when the proposals to furnish text books are submitted to the text book board it shall appear that publishers have combined upon prices and that the proposals are unreasonable said board is hereby empowered, with the approval of the State Board of Education, to do any and all acts that may be necessary for the purpose of procuring a meritorious uniform system of text books, registers, and records for use in the common schools of Oklahoma. They may, with the approval of the State Board of Education, offer prizes for manuscripts of books or employ suitable persons to prepare or compile the same and contract with printing concerns for publication, purchase, or hire plates, maps, and engravings of copyright matter; contract for or lease copyrights for the purpose of being used in compiling and printing such books, provide for the payment of royalties or for the leasing of plates for printing of the whole or any part of said books: Provided, That the entire cost of any book or books so furnished shall not exceed the price of any standard book

or books of like character which was proposed to be furnished by publishers. (L. 1907-8, P. 691.)

Sec. 23. (8004-S.) Commission to File Statement.—An itemized statement of all necessary expenses of the Commission, together with a sworn itemized statement of the necessary expenses of the individual members of the Commission shall be filed with the Secretary of State, and the members thereof shall be allowed to receive as their only compensation for their services the sum of six dollars per day while on duty and their actual traveling expenses going to and returning from the place of meeting, to be paid by the State Treasurer; under the direction and approval of the Governor: Provided, That no per diem shall be allowed to any member of the Commission who shall, at the time of service thereof, be receiving a stated salary from the State: Provided, Further, That the members of said Commission shall not draw pay during the year Nineteen Hundred Eight for more than thirty days, nor more than ten days for any following year. (L. 1907-8, P. 691.)

Sec. 24. (8005-S.) Shall Not Receive Favors.—It shall be unlawful for any member of the text book commission to accept as a gift, or at a reduced price, any books, registers, records, or school apparatus or anything of value from any person, firm, or corporation, interested, directly or indirectly, in any bid filed with said Commission in the adoption of any book, register, record, or apparatus by said Commission, and any person violating this section of this act, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars and by imprisonment in the county jail not less than thirty days. (L. 1907-8, P. 692.)

Sec. 25. (8006-S.) Construction—"Common Schools."—The words "common schools," as used in this act shall be construed to mean all the schools of this State receiving aid from the State out of the common school fund. (L. 1907-8, P. 692.)

Sec. 26. (8007-8.) Foreign Contractor.—Agent for Service.—Any non-resident person or firm or foreign corporation with whom a contract has been entered into under the provisions of this act, shall designate the Secretary of the State of Oklahoma as its or their agent on whom citation and other writs and processes may be served in the event that any suit shall be brought against such person, firm or corporation. (L. 1907-8, P. 692.)

Sec. 27. (8008-S.) Combination Prohibited.—If any individual, firm, partnership, corporation, or any association of persons whatsoever of any nature or character shall create, enter into or become a member of any pool, trust, agreement, confederation, combination or understanding, permanent or temporary, with any other individual, firm, partnership, corporation or association of persons whatsoever of any character or nature whatsoever to regulate or fix the price of or prevent or restrict competition in the sale or offering for sale or in any of the branches of the business of selling and furnishing any school books, desks, seats, charts, school furniture, fixtures, apparatus, or supplies, he or they shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than three hundred dollars and not more than one thousand dollars. (L. 1905, P. 374.)

ARTICLE V.

Cities of the First Class.

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38. Separate Ballots.

Sec. 1. (8009-S.) Separate District.—Each city of the first class shall be governed by the provisions of this article and shall constitute a separate school district. (S. 1893. S. 5831.)

Sec. 2. (8010-S.) Adjacent Territory Attached.—Territory outside the limits of any city, town, or village for school purposes upon application to the Board of Education of such city by a majority of the electors of such adjacent territory, and upon such application being made to the Board of Education they shall, if they deem it proper and to the best interests of the school of said city, and the territory seeking to be attached, issue an order attaching such territory to such city for school purposes, and to enter the same upon their journal; and such territory shall from the date of such order, be and compose a part of such city for school purposes only, and the taxable property of such adjacent territory shall be subject to taxation and shall bear its full proportion of all expenses incurred in the creation of school buildings and in maintaining the schools of such city, whenever the territory so attached shall have a population equal to that of any one ward of such city, or whenever the taxable property of such attached territory shall equal that of any one ward of such city, such attached territory shall be entitled to elect two members of the Board of Education who shall be elected at the same time that other members of the board are elected by the qualified electors of such territory, at an election to be held at such place as the Board of Education may designate, provided, however, that when a school district which has been regularly laid out, formed and organized, includes therein an incorporated town which has become a regularly and legally organized city of the first class, the territory lying outside of the city limits which has been included in and was a part of said school district at the time said town became a city of the first class and has been treated as a part of the city school district, shall continue to be a part of said school district and shall be governed by the provisions of this article; and provided further, that in all cases where any town has heretofore been organized as and declared to be a city of the first class, the territory lying outside of the city limits and which was a part of the school district including said town, at the time of the change from a town to a city of the first class and has since been treated as a part of the city school district under the management and con-

trol of the Board of Education of the city, is hereby declared to be a part of the said city school district; and all acts of the Board of Education of said city school district including said adjoining territory, all elections held therein for the purpose of authorizing the issuance of bonds or for any other legal purpose, and all levies of taxes made by said Board of Education against the taxable property therein are hereby legalized and declared to be legal and binding. (L. 1909, P. 555-6, H. B. 372.) (Effective March 20, 1909.)

Sec. 3. (8011-S.) Body Corporate.—The public schools of each city organized in pursuance of this act shall be a body corporate and shall possess the usual power of a corporation for public purposes, by the name and style of "The Board of Education of the City-----, of the State of Oklahoma," and in that name may sue or be sued and be capable of contracting or being contracted with, of holding and conveying such personal and real estate as it may come into possession of, by will or otherwise, or as is authorized to be purchased by the provisions of this act. (S. 1893, S. 5833.)

Sec. 4. (8012-S.) Conveyance of Property.—Any city of the first class is hereby authorized and required, upon the request of the Board of Education of such city to convey to such Board of Education all property within the limits of any such city heretofore purchased by any such city for school purposes, and now held and used for such purposes, the title to which is vested in any such city. (S. 1893, S. 5834.)

Sec. 5. (8013-S.) How Executed.—All conveyances (of) for the property mentioned in the preceding section shall be signed by the mayor and attested by the clerk of said city, and shall have the seal of the city affixed thereto and be acknowledged by the mayor of such city in the same manner as other conveyances of real estate. (S. 1893, S. 5835.)

Sec. 6. (8014-S.) Board of Education—Term, etc.—A separate ballot for school purposes shall be provided by the city clerk and ballots for school officers deposited therein; it shall be the duty of the city clerk to prepare suitable places for holding such elections. At each annual city election there shall be a board of education, consisting of one member from each ward, elected by the qualified voters thereof, who shall hold his office for a term of two years and until his successor is elected and qualified: Provided, That no member of the board of education shall be a member of the council, nor shall any member of the council be a member of the Board of Education: Provided, That the officers and members of Boards of Education in cities of the first class shall hold their offices for the full term to which they were elected. (S. 1893, S. 5836.)

Sec. 7. (8015-S.) Vacancies—How Filled.—The board of education shall have power to fill any vacancy which may occur in their body: Provided, That any vacancy occurring more than ten days previous to the annual election, and having an unexpired term of one year, shall be filled at the first annual election thereafter; and the ballots and returns of elections shall be as follows: "To fill unexpired term." (S. 1893, S. 5837.)

Sec. 8. (8016-S.) Powers of Board.—The board of education shall have power to elect their own officers, except the treasurer; to make their own rules and regulations, subject to the provisions of this article; to organize and maintain a system of graded schools; to establish a high school whenever, in their opinion, the educational interests of the city demand the same; and to exercise the sole control over the schools and school property of the city. (S. 1893, S. 5838.)

Sec. 9. (8017-S.) Organize—When.—The board of education at its regular meeting in May of each year, shall organize by the election of a president and vice president from among its own members, each of whom shall serve for the term of one year, or until their successors are elected and

qualified; they shall also elect a clerk, who shall hold his office during the pleasure of the board, and who shall receive such compensation for his services as the board may allow. (S. 1893, S. 5839.)

Sec. 10. (8018-S.) Duty of President.—It shall be the duty of the president to preside at meetings of the board of education; to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school money. (S. 1893, S. 5840.)

Sec. 11. (8019-S.) Vice President.—It shall be the duty of the vice president to perform all the duties of the president in case of his absence or disability. (S. 1893, S. 5841.)

Sec. 12. (8020-S.) Duty of Clerk.—It shall be the duty of the clerk to be present at all meetings of the board; to keep an accurate journal of its proceedings; to take charge of its books and documents; to countersign all warrants for school moneys drawn upon the treasurer by order of the board of education; and perform such other duties as the board of education or its committees may require; and, before entering upon the discharge of his duties the clerk of the board of education shall give bond in the sum of one thousand dollars, with good and sufficient sureties to be approved by the board, conditioned for the faithful performance of the duties of his office. (S. 1893, S. 5842.)

Sec. 13. (8021-S.) Treasurer to Make Monthly Report.—The treasurer shall prepare and submit in writing a monthly report of the state of the finances of the district, and shall, when required, produce at any meeting of the board, or to any committee appointed for the purpose of examining his accounts, all books and papers pertaining to his office. Upon failure to make reports, as required by law or to obey the orders of the board of education, the board may, at any meeting of the board, summarily suspend said treasurer from acting as treasurer until restored by order of the board, or of a judgment of a court of competent jurisdiction, and while so suspended no act of his as such treasurer shall be legal or binding upon the board. The board may immediately appoint some suitable person to act as treasurer during the suspension, upon said appointee giving bond and taking oath of office, as is required by law, of the regular treasurer; and upon demand the treasurer must immediately turn over to the acting treasurer all books and papers and other property pertaining to his office. He shall pay moneys only upon warrants signed by the president or in his absence by the vice president and countersigned by the clerk; and shall execute a bond in such sum as the board may require, with sufficient securities to be approved by the board, conditional for the faithful discharge of his duties as treasurer of such board. (1905, p. 385.)

Sec. 14. (8022-S.) Superintendent of the City Schools.—The board of education, at such time as they shall deem expedient, shall elect a superintendent of schools, in no case a member of their own body, whose duty it shall be to have a general supervision of the schools of the city, subject to the rules and regulations of the board, who shall hold his office during the pleasure of the board, and shall receive such compensation as that body may allow. The board shall also appoint two competent persons, who, with the superintendent as chairman thereof, shall be styled the examining committee of the board of education, whose duty it shall be to examine all persons who may apply to them as teachers; and no person, except one who holds a diploma, or a certificate, from the board of education shall be elected by the board as teacher who cannot produce a certificate from the examining committee signed by all or a majority in such department of the public schools as may be stated in the certificate and is a person of good moral character, and the board may fill any vacancy which may occur in the examining committee. (S. 1893, S. 5844.)

Sec. 15. (8023-S.) Boards to Make Levies.—(As amended 1905.) That the board of education of a city of the first class shall, on or before the 15th day of June of each year, levy a tax for the support of schools of cities of the first class for the fiscal year next ensuing, not exceeding in any one year twenty mills on the dollar on all taxable property within the school district which is taxable according to the laws of Oklahoma. That such levy shall be certified by the clerk of the board of education to the county clerk, who is hereby authorized and required to place the same on the tax roll of said county, to be collected by the treasurer of the county as are other taxes, and paid over by him. That the tax so levied shall be a separate, distinct and specific fund for the support of schools for the fiscal year for which such tax is levied. That all debts, contracts and obligations made or entered into by the board of education in excess of eighty per cent of tax so levied, shall be illegal and shall not be charged against the school district. (S. 1905, p. 371.) (Amended and partly repealed by H. B. 14, Spl. L. 1910.)

Sec. 16. (8024-S. What Property Taxable.—The taxable property of the whole city, including the territory attached for school purposes shall be subject to taxation. All taxes collected for the benefit of the school shall be placed in the hands of the treasurer, subject to the order of the board of education. (L. 1905, p. 242.)

Sec. 17. (8025-S.) Board Shall Meet—When.—The regular meetings of the board of education shall be upon the first Monday of each month, but special meetings may be held from time to time, as circumstances may demand. (S. 1893, S. 5847.)

Sec. 18. (8026-S.) Make Annual Report.—The board of education, at the close of each school year or as soon as practicable, shall make an annual report of all progress, prosperity and condition, financial as well as educational, of all the schools under their charge; and said report or such portion of it as the board of education shall consider of advantage to the public, shall be printed, either in a public newspaper or in pamphlet form. (S. 1893, S. 5848.)

Sec. 19. Expenses.—No expenditures involving an amount greater than two hundred dollars shall be made except in accordance with the provisions of a written contract, and no contract involving an expenditure of more than five hundred dollars for the purpose of erecting any public buildings or making any improvements shall be made except upon sealed proposals and to the lowest responsible bidder. (S. 1893, S. 5849.)

Sec. 20. (8028-S.) Non-Sectarian Instruction.—No sectarian doctrine shall be taught or inculcated in any of the public schools of the city; but the Holy Scriptures, without note or comment may be used therein at the discretion of each teacher. (S. 1893, S. 5850.)

Sec. 21. (8029) May Issue Bond—When.—Whenever it shall become necessary for the board of education of any school district, in which is included in whole or in part a city of the first class, in order to raise sufficient funds for the purchase of a school site or sites or to erect or purchase and equip a suitable school building or buildings, or both, it shall be lawful for such board of education of such city to borrow money for which they are hereby authorized and empowered to issue bonds, bearing a rate of interest not exceeding five per centum (5%) per annum, payable semi-annually, at such place as may be shown on the face of said bonds; which bonds shall be payable in not more than twenty-five years, from their date; and the board of education is hereby authorized and empowered to sell such bonds at not less than their par value; provided, that before any bond shall be issued, the mayor of the city, composing in whole

or in part such school district, shall cause an election to be held in such district, as hereinafter provided. (L. 1909, H. B. 65. Took effect March 26, 1909.)

Sec. 22. (8030-S.) Election—Duty of Mayor.—It shall be the duty of the mayor of each city, governed by this act, upon the request of the board of education, forthwith to call an election to be conducted in all respects as are special elections for city officers in the same city, except that the returns shall be made to the board of education for the purpose of taking the sense of such district upon the question of issuing such bonds, naming in the proclamation of such election, the amount of the bonds to be voted on and the purpose for which they are to be issued; and he shall cause to be published in a newspaper of general circulation published in the said district, the time and place of such election, such notice to be given at least 10 days before such election. (L. 1909, H. B. 65. Took effect March 26, 1909.)

Sec. 23. (8031-S.) Vote Required.—On the question of issuance of said bonds, no person shall be qualified to vote unless he be in all respects a qualified elector in such district. In case three-fifths of the voters thereof voting at such city election shall vote affirmatively for the issuance of said bonds, then the said board shall issue the same, and not otherwise. (L. 1909, H. B. 65. Took effect March 26, 1909.)

Sec. 24. (8032-S.) Bonds—Form.—The said bonds shall contain all necessary provisions as to form and such school district shall before or at the same time of the issuance of the same provide for the collection of an annual tax, sufficient to pay the interest on such indebtedness as it falls due; and also to institute a sinking fund for the payment of the principal thereof within the time for which the said bonds are to run; Provided, that no indebtedness shall ever be incurred to an amount including this indebtedness exceeding in the aggregate of five per centum of the valuation of the taxable property of such district, to be ascertained from the last assessment for state and county purposes, previous to the incurring of such indebtedness. (L. 1909, H. B. 65. Took effect March 26, 1909.)

Sec. 25. (8033-S.) Bonds—How Signed.—The bonds, the issuance of which is provided in the above sections, shall be signed by the president, attested by the clerk and countersigned by the treasurer of the board of education and shall have indorsed thereon, a certificate signed by the county clerk or other officer authorized by law to sign such certificate and the county attorney of the county wherein such district is located, stating that said bonds or evidence of debt is issued pursuant to law and that said issue is within the debt limit and provided, that each of the said bonds shall be for a sum of not less than one hundred dollars (\$100.00.) (L. 1909, H. B. Took effect March 26, 1909.)

Note.—The Act in which the four foregoing Sections appear, repeals (Sec. 5.) an "Act of Congress, entitled, an Act to amend an act to prohibit the passage of special or local laws in the territory, to limit the territorial indebtedness and for other purposes," approved April 28, 1904, Chapter 1817, 33rd Statutes at Large, 565, in so far as the same is applicable to Oklahoma, and all acts and parts of acts in conflict herewith."

Sec. 26. (8034-S.) Certain Bonds Validated—Proviso.—In any case where at an election heretofore held in any city school district of a city of the first class in the State of Oklahoma at least three-fifths of the qualified voters of said city school district have voted in favor of the issuance of the bonds of the board of education of said city for the purpose of purchasing a site or sites and erecting a building or buildings thereon or of purchasing a building or buildings and equipping the same for school purposes in and for said school district, or for any one or more, or all of

said purposes, whether jointly or severally stated or submitted, then in every such case all bonds of any such board of education which have been so voted and issued or which have been so voted and shall hereafter be issued in pursuance of said election are hereby declared to be lawfully issued and the legal, valid and binding obligations of said board of education; Provided, however, that said bonds do not in the aggregate, together with all existing indebtedness of said board of education or said city school district, exceed five per centum of the valuation of the taxable property in said city school district and school corporation, as shown by the last assessment for state and county purposes previous to the issuance of such bonds. (L. 1909, H. B. 65. Took effect March 26, 1909.)

Sec. 27. (8035-S.) Same.—All bond elections mentioned in Sec. 1. (8034) of this article which have been fairly conducted are hereby declared valid and fully legalized, notwithstanding any irregularities in the conduct of the same, or in the forms of the ballots thereat. (L. 1909, H. B. Took effect March 26, 1909.)

Sec. 27. (8036-S.) Same.—Tax Levies Validated.—All tax levies heretofore made or provided for in order to raise the necessary funds to meet the interest on the bonds mentioned in Sec. 1 (8034) of this article as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the date of said bonds, be and the same are hereby legalized, validated and confirmed. (L. 1909, H. B. Took effect March 26, 1909.)

Sec. 28. (8037-S.) Board Shall Invest Money.—All moneys raised for the purpose of creating a sinking fund for the final redemption of all bonds issued under this article shall be invested annually by the board of education in bonds of the State of Oklahoma or of the United States or the board may buy and cancel the bonds of the district whenever such may be purchased at or below par. (S. 1893, S. 5855.)

Sec. 29. (8038-S.) Interest.—Whenever the interest coupons of the bonds hereinbefore authorized shall become due, they shall be promptly paid, on presentation, by the treasurer out of the money in his hands collected for that purpose, and he shall endorse upon the face of such coupons in red ink the word "Paid" and the date of the payment, and sign the initials of his name. (S. 1893, S. 5856.)

Sec. 30. (8039-S.) Property Pledge for What.—The school fund and property of such city and state attached for school purposes is hereby pledge to the payment of the interest and principal of the bonds mentioned in this article, as the same may become due. (S. 1893, S. 5857.)

Sec. 31. (8040-S.) All Warrants Shall be Registered.—It shall be the duty of the clerk of the board of education to register in a book provided for that purpose the bonds issued under this article, and all warrants issued by the board, which said register shall show the number, date and amount of said bonds and to whom made payable. (S. 1893, S. 5858.)

Sec. 32. (8041-S.) The Oath Required.—Each member of the board of education and officer provided for in this article shall take and subscribe an oath or affirmation to support the constitution of the United States, the constitution of the State of Oklahoma, and faithfully perform the duties of his office. The oath and bond of the clerk shall be filed with the treasurer, all other oaths and bonds shall be filed with the clerk. (S. 1893, S. 5859.)

Sec. 33. (8042-S.) Enumeration of Children.—That the board of education shall provide for an enumeration of the children of school age between the first and fifteenth day of January of each year and forward the same to the county clerk of the county who shall file and use such enumeration as required by law in the case of other districts. (S. 1893, S. 5860.)

Sec. 34. (8043-S.) Boards of Education May Issue Bonds.—The board of education of any city or any school district containing within the boundaries thereof any city or incorporated town which has heretofore become indebted by issuing bonds for the purpose of building and furnishing school houses, or purchasing sites therefor, may issue bonds and borrow money thereon and reimburse from the proceeds thereof said city. Said bonds shall be authorized in the manner and under the procedure and of the conditions and terms as is now authorized by law.

Provided, Whenever any board of education or any school district shall have reimbursed any city or town as aforesaid, the proper officers thereof shall immediately convey, by good and sufficient deed, all the title and interest of said city or town in and to said school property, the effect of which shall be to immediately divest said city or town of any right in or to said property, and to vest the same absolutely in said board of education or said school district. (L. 1907-8, p. 673.)

Sec. 35. (8044-S.) Limit of Indebtedness.—It shall be lawful for the board of education of any city or any school district to become indebted for the purposes set out in Sec. 1 of this Act (8043), or for any other purpose as now provided by law, in a sum not in excess of five (5) per centum of the assessed valuation of the taxable property within the boundaries thereof as shown by the last preceding assessment taken for the purpose of taxation. (L. 1907-8, p. 673.)

Sec. 36. (8045-S.) Electors in School Elections.—That all elections hereafter held in cities of the first class in this State for the election of members of the board of education, treasurer of the board of education and all elective school officers, the following persons shall be qualified and entitled to vote as such election and for the class of officers above named, to-wit: All persons, male and female, over the age of twenty-one years, who possess the other qualifications prescribed by the organic act (constitution) and general election laws of the State of Oklahoma. (L. 1905, p. 126.)

Sec. 37. (8046-S.) Separate Ballots.—At all such elections a separate ballot for the class of officers designated in Sec. 1 (8045) shall be provided and a separate ballot box provided for the reception of such ballots, but the votes shall be received at the regular polling place or places and be under the supervision of the same election board as the ballots cast for other elective officers at said election. (L. 1905, p. 126.)

S. B. NO. 24, SESSION LAWS 1910—SPECIAL SESSION.

AN ACT

To Amend Section 5836, Article, 7 Chapter 73, of the Statutes of Oklahoma, 1903, Relating to Schools in Cities of the First Class.

Be it Enacted by the People of the State of Oklahoma:

Sec. 38. Sec. 5836, Article 7, Chapter 73, of the Statutes of Oklahoma, 1903, be and the same is hereby amended to read as follows:

A separate ballot box for school purposes shall be provided by the city clerk, and ballots for school officers deposited therein. It shall be the duty of the city clerk to prepare suitable places for holding such elections.

At such annual elections there shall be a Board of Education consisting of one member from each ward elected by the qualified voters thereof, who shall hold his office for a term of two years and until his successor is elected and qualified. Provided, that no member of the Board of Education shall be a member of the Council, nor shall any member of the Council be a member of the Board of Education, Provided, further, that the officers and members of the Board of Education in cities of the first class shall hold their offices for the full term to which they were elected; and provided, further, that in cities within the State of Oklahoma, which have heretofore adopted, or may hereafter adopt, a Charter form of Government, such cities shall have the power of fixing the number of members of their Board of Education, and their terms of office, and may, subject to the Constitution and general laws of the State, regulate the time and manner of the election of the members of the Board of Education, and their terms of office, within such charter cities, and shall further have power, if there be any territory outside the corporate limits of such city, to attach for voting purpose such territory to an adjoining voting precinct of an adjoining ward of such city.

Sec. 2. An emergency is hereby declared to exist by reason whereof it is necessary for the immediate preservation of the public peace and safety that this Act take effect from and after its passage and approval.

Approved March 28, 1910..

ARTICLE VI.

Districts.

SECTION

1. Organization.
2. Body Corporate.
3. New Districts Formed from One or More Districts.
4. Aggrieved Persons May Appeal.
5. Annual and Special District Meetings.
6. Special Meeting for Transacting the Business of the Annual Meeting
7. Notice of District Meetings.
8. Who may Vote at District Meetings.
9. Votes Challenged.
10. Powers of District Meeting.
11. School Term.
12. How School House Site may be Changed.
13. How to Condemn a School House Site.
14. May Construct Buildings.
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SECTION

16. Rental Contract.
17. Two or More School Houses.
18. Locations Legalized.
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20. District May Issue Bonds.
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22. Denomination of Bonds, etc.
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25. Penalty for Fraudulent Issue.
26. Payment and Cancellation—Reports.
27. Superintendent to Apportion Debts.
28. To Issue Orders on Treasurer.
29. To Dispose of Property.
30. Re-locating School Houses—Vote Required.

Sec. 1. (8047-S.) Organization.—Every school district shall be deemed duly organized when the officers constituting the district board shall have been elected and qualified and shall have signified their acceptance to the county superintendent in writing, which the superintendent shall file in his office. (S. 1893, S. 5764.)

Sec. 2. (8048-S.) Body Corporate.—Every school district organized in pursuance of this act shall be a body corporate, and shall possess the usual powers of a corporation for public purposes by the name and style of School District—(such a number as may be designated by the county superintendent. county,—(the name of the county in which the district is situated), State of Oklahoma, and in that name may sue and be sued, and be capable of contracting and be contracted with, and holding such real and personal estate as it may come into possession of by will or otherwise, or as is authorized to be purchased by the provisions of this act. (S. 1893, S. 5765.)

Sec. 3. (8049-S.) New Districts.—When a new district is formed in whole or in part from one or more districts possessing a school house or entitled to other property, the county superintendent, at the time of forming such new district shall equitably determine the proportion of the present value of such school house or other property justly due to said new district. Such proportion when ascertained shall be levied by the district board of the district retaining the school house or other property upon the taxable property of the district, and shall be collected in the same manner as if the same had been authorized by a vote of the district for building a school house, and when collected shall be paid to the treasurer of the new district, to be applied towards procuring a school house for such district. (S. 1893, S. 5766.)

Sec. 4. (8050-S.) Aggrieved Persons May Appeal.—(As amended, 1895.) If, in the formation or alteration of, or refusal to form or alter school districts, any person or persons shall feel aggrieved such person or persons may appeal to the board of county commissioners: Provided, That notice of such appeal shall be served on the county superintendent within ten days of the time of posting the notices of the formation or alteration of such district. Such notice shall be in writing and shall state fully the objections to the actions of the county superintendent, a copy of which shall be filed with the county clerk, and also with the clerk of all districts affected by such alteration: And, Provided, Also, That such appeal shall be heard and decided by the majority of the board of county commissioners at their next

regular meeting, and if such appeal is not sustained by them, the county superintendent shall proceed to appoint the time and place for said first district meeting, which shall then proceed as by law required: Provided, Further, That either party, or any person or persons residing in the school district affected by such formation or alteration, may appeal from the finding of the board of county commissioners to the district court of the county, by filing with the county clerk, within ten days from the action of the board of county commissioners, a notice of appeal. The county clerk shall thereupon make a certified transcript of the proceedings had before the county commissioners, and shall, within twenty days from the filing of said notice of appeal, deliver or transmit to the clerk of the district court of his county the said transcript and all of the papers in said case. All further proceedings by the county superintendent shall cease and be stayed upon the filing of said notice of appeal with the county clerk, and like proceedings shall be had in the district court as are now provided by law for the hearing and trial of appeals from the judgment of a justice of the peace. (L. 1895, p. 240.)

Sec. 5. (8057-S.) Time of Annual Meeting.—An annual school meeting of each school district shall be held on the first Tuesday in June of each year, and at such precincts or polling places as the board may designate, beginning at two o'clock p. m.; Provided, However, That for the year nineteen hundred eight said annual school meeting shall be held on the Fourth Tuesday in July in order that the new assessment under the constitutional provisions may have been completed before the date of the annual school meeting for the said year nineteen hundred eight. Notice of the time and place of the annual meeting shall be given by the clerk by posting written or printed notices in five public places in the district prior to said meeting. Special meetings may be called by a majority of the district board, or by a majority of the legal voters of the district; but notice of said special meeting, stating the purpose for which it is called, together with the time and place, shall be posted at least ten days before the meeting, in five public places. Prior to said annual meeting the county clerk shall furnish the district clerk with a certificate of valuation of the property of such district. (L. 1907-8, p. 399.)

Sec. 6. (8052-S.) Special Meetings.—Whenever the time for holding an annual meeting in any district shall pass without said meeting being held, the clerk, or in his absence, any other member of the district board, within twenty days after the time for holding said annual meeting shall have passed, may give notice of a special meeting by putting up written notices thereof in three public places within the district, at least five days previous to the time of meeting; but if such meeting shall not be advertised within twenty days as aforesaid the county superintendent may give notice of such meeting in the manner provided for forming a new district, and the officers chosen at such special meeting shall hold their offices until the next annual meeting, and until their successors are elected and qualified. (S. 1893, S. 5769.)

Sec. 7. (8053-S.) District Meetings.—It shall be the duty of the clerk to give at least ten days' notice previous to any annual or special district meeting by posting up notices thereof at three or four public places in the district, one of which notices shall be affixed to the outer door of the school house, if there be one in the district, and said clerk shall give like notice of every adjourned meeting, when such meeting shall have been adjourned for longer than one month, every notice for a special district meeting shall specify the object for which such meeting was called, and no business shall be acted upon at any special meeting, not specified in said notice. (S. 1893, S. 5770.)

Sec. 8. (8054-S.) Who May Vote.—The following persons shall be entitled to vote at any district meeting. First, All persons, possessing the qualifications of electors as defined by organic act of the territory (the constitution* of Oklahoma), and the statutes thereof, and who shall be residents of the district at the time of offering to vote at said election. Second, all female persons over the age of twenty-one years who are citizens of the United States or shall have declared their intention to become such, and who shall be residents of the district at the time of offering to vote. (S. 1893, S. 5771.) (*Compare with Art. 39, constitution.)

Sec. 9. (8055-S.) Challenges.—If any person offering to vote at a school district meeting shall be challenged as unqualified by any legal voter, the chairman presiding shall declare to the person challenged the qualifications of a voter, and if such challenge be not withdrawn, the chairman who is hereby authorized, shall tender to the person offering to vote the following oath or affirmation: "You do solemnly swear (or affirm) that you are an actual resident of this school district and that you are qualified by law to vote at this meeting." Any person taking such oath or affirmation shall be entitled to vote on all questions voted upon at such meeting. (S. 1893, S. 5772.)

Sec. 10. (8056-S.) Power of District Meeting.—The inhabitants qualified to vote at a school meeting lawfully assembled, shall have power: First, To appoint a chairman to preside over said meeting in the absence of the director. Second, To adjourn from time to time. Third, To choose a director, clerk and treasurer, who shall possess the qualifications of voters. Fourth, To designate by vote a site for the district school house: Provided, That the designation of a site for the district school house shall not be over one-half mile from the center of said district. Fifth, To vote annually a tax not exceeding two per cent on all the taxable property in the district, as the meeting shall deem sufficient for the various school purposes, and distribute the amount as the meeting shall deem proper in the payment of teachers' wages, and to build, hire, or purchase a school house and keep it in repair, and to furnish the same with necessary fuel and appendages and to purchase or lease a site: Provided, That when not included within the limits of a town or village said site shall not contain less than one acre. Sixth, To authorize and direct the sale of any school site or other property belonging to the district (when the same shall be no longer needful for the district) to give such directions and make such provisions as may be deemed necessary in relation to the prosecution or defense of any suit or proceedings in which the district may be a party. Also, Provided, Further, That if the inhabitants of any school district shall neglect or refuse to make such levy, then the board of county commissioners of such county, through the advice of the county superintendent of public instruction, shall levy a tax annually of not to exceed two per cent* on all taxable property in the district. (L. 1895, p. 246.) (*Compare with Art. X, Sec. 10, Bunn's Constitution.) (Also see H. B. 14, Spl. L. 1910, which repeals the fifth and sixth provisions, in part.)

Sec. 11. (8057-S.) Determine School Term.—The qualified voters at each annual meeting, or any special meeting duly called, may determine the length of time a school shall be taught in their district for the then ensuing year, which shall not be less than three months and when such school shall be taught, and whether the school money to which the district may be entitled shall be applied in support of the summer or winter term of school, or a certain portion of each; but if such matters shall not be determined at the annual or any special meeting, it shall be the duty of the district board to determine the same. (S. 1893, S. 5774.)

Sec. 12. (8058-S.) Change of School House.—That school districts having school houses the value of which is not less than five hundred dollars the

school house site shall not be changed except by a vote of at least three-fifths the legal voters of such district in favor of such change. (S. 1893, S. 5775.)

Sec. 13. (8059-S.) May Condemn Site.—In case any school district cannot by purchase at reasonable rates, or by donation, or otherwise, obtain title to a site selected by such school district; or, if it be deemed advisable by such school district, or by the district board, to add other ground to any school house site already selected; or if, in good faith, but by mistake or otherwise, a school house has been or shall be erected wholly or partially upon any land or lot to which said school district at the time of the erection of such school building, or any addition thereto, had not acquired title, then and in any such case, upon a written application of the district board of such school district, or a majority of the board, made to the probate judge of the county in which such school district is situated, the probate judge shall fix a day for the hearing of the same, not less than fifteen days, nor more than thirty days, from the date of such filing, and shall cause at least ten days' notice in writing of such hearing to be given to all owners, or parties having any interest whatever of record in the land proposed to be condemned, either by personal service on each such adverse party, or by leaving a copy of such notice at his usual place of residence, or, in case any or all such parties are non-residents of the State, such notice shall be made by publication in some newspaper published in the county, for two consecutive weeks. The service of such notice, other than by publication shall be made and returned by the sheriff of the county in which the land proposed to be condemned is situated. Such notice shall set forth the number or legal designation of the applicant school district, a description of the land proposed to be condemned, and the time of the hearing upon the application. On the return day of such notice, the probate judge shall examine the application and notice, and if he find the same sufficient, shall immediately appoint three disinterested free holders of such county, who are not residents of such school district, to condemn such site, or addition thereto; and in case such land or lot so to be condemned and appraised shall be an original selection for the school house site, the amount so to be condemned and appraised shall not exceed one and one-half acres; and if it be for addition to an existing site, the additional amount so condemned and appraised shall not, with the original site, exceed one and one-half acres. All of the provisions of this section shall apply to school districts included within the boundaries of cities of the first class, and to a board of education of a city of the first class applying to condemn a school house site for such district, or an addition to an existing site. Provided, That the board of education of a city of the first class may, if deemed necessary, condemn an entire block, according to the plat of such city, not to exceed four acres, exclusive of streets and alleys, and may condemn as many such sites as shall be deemed necessary for schools in cities of the first class. And Provided Further, That a board of education in a city of the first class, in any proceedings under this Section, may join all the owners of, or parties having joint or several interests in the proposed site to be condemned, in the same application as parties defendant thereto, and the appraisers, in condemning and appraising such site, or addition thereto, shall return a report separately of the valuation fixed by them upon each lot, or separate tract included within the proposed site or addition thereto, and any one or more land owners, or parties adversely interested, who may be dissatisfied with such appraisement, may appeal as hereinafter provided, without joining the other defendants. Immediately after their appointment such appraisers shall proceed to condemn and appraise the value of the site so selected, or the addition to such existing site, and they shall, within ten

days thereafter, make and sign and acknowledge a report describing the lot so condemned, the purpose for which it was so condemned, and the appraised value thereof, which report shall be by them filed in the office of the register of deeds in the county in which the land or lot is situated, and by such register duly recorded as other instruments of writing affecting the title to real estate are recorded. A copy of such report, certified by the register of deeds, shall also be filed with the probate judge before whom such proceedings were had, and in case of an appeal to the district court, the original application, and notice, and proof of service, the order appointing the appraisers and such certified copy of the report shall constitute the record to be certified by such probate judge to the district court. In appraising any school house site or addition thereto, to which such school district had not title at the time of erecting any school house, or addition thereto thereon, said appraisers shall exclude from their appraisement the value of such school house or addition, and appraise such land or lot at its value, exclusive of such building, addition, or other improvements placed thereon, in good faith, but by mistake of such school district, or such school district board. Within thirty days after the report of such appraisers is filed in the office of the register of deeds, the district board of such school district shall pay to the county treasurer of the county in which said condemned land or lot is situated, for the use of the owner of such land or lots, the amount of the appraised value thereof, also fifty cents for the register of deeds for recording said report. And upon such payment being made to such county treasurer by such district board, the title to such site, or addition thereto, shall vest in the school district. Either party, the owner of the lot or land condemned, or the school district, may appeal from such appraisement to the district court, in the same manner that appeals are taken from judgment of justices of the peace in civil actions. (L. 1903, p. 251.)

Sec. 14. (8060-S.) May Construct Buildings.—The school district board of any school district, or board of education of any city, in the State, provided the electors entitled to vote in school elections, in such districts shall by a majority vote so authorize, shall have power to contract for, acquire or construct necessary school buildings and additions thereto, to be paid for by an annual rental and to levy an annual tax of not more than three mills, for the payment of such rental: Provided, However, That the total levy upon an ad valorem basis for all purposes within any district shall not exceed the amount authorized by Sec. 9, of Art. 10, of the Constitution. (L. 1907-8, p. 671.)

Sec. 15. (8061-S.) Contract.—Any contract made under the provisions of this Act, shall be approved by a majority of the voters of the district present at a regular school election, or at a special election held for that purpose, notice of which shall be given by posting five written or printed notices in the district ten days prior to such meeting or by publication in a newspaper, if a newspaper is published in said district, in at least ten issues of a daily newspaper, if a daily is published in said district; and if no daily newspaper is published in said district, notice shall be given by publication in at least two issues of a weekly newspaper, if published in said district. Such publication to be not less than ten days prior to said election. (L. 1907-8, p. 671.)

Sec. 16. (8062-S.) Rental Contract.—Where any rental contract is entered into, the trustees of any school district in this State, as provided in Sec. 1, (8060), where the total amount to be paid thereunder cannot be paid within ten years by the three mill levy upon an ad valorem basis, upon all the taxable property within said district, an additional levy of an amount sufficient for such purposes may be authorized by a majority vote of the per-

sons qualified to vote at such school district elections or meetings as provided in Sec. 3 of Art. 3 of the Constitution, at a special election called for that purpose by the trustees of such district, Provided, However, That the total amount of such increased levy shall not exceed five mills on the dollar of the assessed value of the taxable property in such school district. Notice of such special election shall be given as the notices in the preceding section. (L. 1907-8, p. 672.)

Sec. 17. (8063-S.) Two or More School Houses May be Built, Etc.—The board of directors of any school district in this State, may construct and maintain two or more school houses in any school district in this State: Provided, A majority of the legal voters of said district shall authorize the same at an election to be held in said district as other elections are held for school purposes. (L. 1909, S. B. 295. Took effect March 17, 1909.)

Sec. 18. (8064-S.) Locations Legalized.—That the location or construction of any school houses already located or constructed by the board of education or board of directors of any school district in this State are (is) hereby legalized. (L. 1909, S. B. 295. Took effect March 17, 1909.)

Sec. 19. (8065-S.) District May Become Indebted—Limit—Vote.—Any school district in this state may become indebted for the purpose of purchasing sites for school buildings, for purchasing school buildings, for erecting such buildings, for purchasing school furniture or for repairing any such school site or building, and may issue its bond as now provided by law in any amount not exceeding, with existing indebtedness, five per cent of the valuation of the taxable property within such school district as shown by the last preceding assessment for State and county purposes previous to the incurring of such indebtedness; Provided, That such bond issue must be authorized by an affirmative vote of three-fifths of the voters of such district voting at an election held in such district for the purpose of authorizing such bond issue. The bonds of any school district since the adoption of the Constitution, or for the issuance of which proceedings have been begun, are hereby legalized and validated provided such bonds were issued or are being issued for the purposes above specified, and within the limitations prescribed by the Constitution. (L. 1909, H. B. 65. Took effect March 26, 1909.)

Note.—The following Sec. perhaps, repealed by the foregoing, at least in part, is the first of seven sections of Chapter 7, Art. 2, L. 1895., the first of which expressly and the remainder of which by verbatim provisions, repeal Chapter 73, Art. 6, S. 1893.

An Act amending Art. 6, Chapter 73, Statutes of Oklahoma, 1893, relating to school district bonds.

Sec. 20. (8066-S.) District May Issue Bonds.—That for the purpose of purchasing one or more school sites, erecting, purchasing or paying for and furnishing one or more school houses in and for any school district in the State of Oklahoma, the board of directors of the same shall have the power to issue bonds of the district in an amount not exceeding, with all outstanding indebtedness, four (1908 legislature increased this to 5 per cent. See Art. XXVII and Constitution) per cent of its taxable property, as shown by the last assessment thereof, and for the purpose of extending the time of payment of the school district indebtedness, or of the bonded indebtedness of any school district, the board of directors shall have the power to issue the bonds of the district, in a sum not to exceed in amount its outstanding indebtedness, including bonded indebtedness: Provided, That no bonds shall be issued until, at an election called for that purpose, the question shall have been submitted to the qualified electors of the district, and two-thirds of all the qualified electors voting at such

election declared by their ballots in favor of issuing the same. Qualified electors for the purpose of this act are hereby declared to be all persons, male or female, over the age of twenty-one years, who are citizens of the United States, and have been bona fide residents for more than three months next preceding such school district bond election within the limits of such school district: Provided, Further, That no such election shall be ordered unless a petition stating the purpose for which the bonds are to be issued, and signed by at least one-third of the qualified electors, as herein defined, of such school district, as shown by the last preceding enumeration, by the township trustees of the township in which such school district is located, shall have been presented to the district board, praying that a vote be taken for the issuing of such amount of bonds as may be asked for therein: And Provided, Further, That it shall be unlawful for any school district to create any bonded indebtedness unless there are at least eight persons between the age of six and twenty-one years actually residing within the limits thereof, as shown by a census taken by the clerk of such district, not more than three months previous to such bond election, and by such clerk verified upon oath. (L. 1895, p. 68.)

Sec. 21. (8067-S.) Bond Election—How Conducted—Voting.—Whenever such a petition so signed shall be presented to the board of directors of any school district, praying that a vote be taken on the question of issuing the bonds of such district, it shall be the duty of the district board immediately to order an election for the purpose of determining the question of issuing the bonds as prayed for and forthwith to give notice by posting up written notices signed by the clerk, in five of the most public places in the district, which notices shall be posted up at least ten days before such election, and shall state therein the object for which the election was called, the amount of the bonds which it is expected to issue, and the manner in which the question shall be voted upon; and the said election shall be conducted by the school district board, or in their absence, by three persons chosen by the bystanders, and shall be by ballot, and the polls shall be opened at 2 o'clock p. m., and close at 6 o'clock p. m. The ballots used at such election shall be either written or printed and shall contain the words, if the voter wishes to vote for the issuance of the bonds, "For the Bonds," and if he wishes to vote against the bonds, it shall contain the words, "Against the Bonds." (L. 1895, p. 69.) (Amended by H. B. 14, Spl. L. 1910, and law making the attorney general "Ex-officio bond commissioner," L. 1910.)

Sec. 22. (8068-S.) Denominations—Time Payable—Registration—Disposals.—The bonds herein provided for shall be issued in denominations of not less than one hundred dollars nor more than five hundred dollars each; they shall bear interest at a rate not to exceed seven per cent per annum, payable semi-annually on the first days of January and July of each year at such place as shall be designated in the bonds, the principal of the bonds being made payable within twenty years from their date. These bonds shall specify on their face the date of issue, amount, for what purpose and to whom issued, the time they run, the rate and times of payment of interest, and shall have coupons attached for the interest as it becomes due, said coupons being so arranged that the last one shall fall due at the maturity of the bonds. Said bond(s) and coupons thereto attached, shall be signed by the director and countersigned by the clerk of the district; shall be registered in the office of the State auditor, and a transcript of all the proceedings in the voting of such bonds shall be filed therewith. Upon finding that all of the proceedings have been regular, the State auditor shall so certify upon each and every one of such bonds, and shall also certify the same to the county clerk of the county in which such

school district is located, who shall thereupon register said bonds in his office, whereupon such bonds shall be negotiable and transferrable by delivery, and may be disposed of by the district board at not less than ninety-five cents on the dollar, and the proceeds of the same applied as provided in the petition upon which the issuance of the bonds was authorized. (L. 1895, p. 70.)

Note.—The Constitution provides that bonds must be registered by the State auditor and have endorsement of the county clerk and the county attorney, certifying that the issue is within the debt limit of the law. See Bunn's Constitution of Oklahoma, Art. X, Sec. 295, p. 79.) (Spl. L. of 1910 provide that the attorney general's certificate must be attached.)

Sec. 23. (8069-S.) Registration by County Clerk.—Before delivering any school district bonds the board of directors of the district issuing the same shall cause them to be registered with the clerk of the county in which said district is located. And it shall be the duty of the county clerk, on presentation of any school bonds for registration to register the same in a book prepared for that purpose; if the said bonds contain the certificate of the State auditor that the proceedings have been regular which register shall contain: First, the number of the district. Second, the number of the bond. Third, date of bond. Fourth, to whom payable. Fifth, when and where payable. Sixth, when due. Seventh, when interest due. Eighth, amount of bond. The county clerk shall furnish one copy of his register to the county treasurer, and forward one copy to the State Superintendent, together with a statement showing: First, the number of acres of land assessed and subject to taxation in such district. Third, the assessed valuation of taxable land. Fourth, the assessed valuation of all personal property in such district, which statement shall be signed by each member of the school board issuing the bond(s), and the county clerk shall certify under the official seal of his office to the correctness of the statement and the genuineness of the signatures attached thereto. (L. 1895, p. 71.)

Sec. 24. (8070-S.) Interest and Sinking Fund—Investment.—It shall be the duty of the board of county commissioners of each county to levy, annually, upon all the taxable property in each district in such county, a tax sufficient to pay the interest accruing upon the bonds issued by such district, and to provide a sinking fund for the final redemption of the bonds, such levy to be made with the annual levy of the county, and the taxes collected with other taxes, and when collected shall be and remain in the hands of the county treasurer, a specific fund for the payment of the interest upon such bonds and for their final payment at maturity: Provided, That moneys in the hands of the county treasurer belonging to the sinking funds of the several school districts in such county, shall be invested by the county treasurer: First, in the bonds of the district to which said sinking fund belongs: Provided, Such bonds can be purchased at a price not exceeding their market or par value. Second, in the bonds of other school districts of the State, maturing before the bonds for which said fund is raised: Provided, That the same can be purchased of the State of Oklahoma, or of the United States. (L. 1895, p. 71.)

Sec. 25. (8071.) Penalty for Fraudulent Issue.—If any school district whose duty it is under the provisions of this act to issue or assist in any manner in the issuance of the bonds of any school district, shall prepare, sign or deliver, or aid, counsel, or assist in preparing, signing or delivering, or shall cause to be prepared, signed or delivered, any bond or bonds of any school district, at any time before such bond or bonds are authorized by this act to be prepared, signed or delivered, such officer shall be guilty of (a) felony, and upon conviction shall be fined in any sum not less than five hundred dollars nor more than five thousand dollars, or by imprison-

ment in the penitentiary for not less than two years nor longer than seven years, or by both such fine and imprisonment. And if the board of directors of any school district, or any member thereof, shall use or dispose of any school district bonds, or the money accruing from the sale of such bonds, in any other manner, or for any other purpose than that for which the same was created or intended he, or they, shall be liable to be punished by a fine of not less than five hundred dollars nor more than two thousand dollars, by indictment in any court of competent jurisdiction, or by imprisonment in the penitentiary not more than two years, or by both such fine and imprisonment. (L. 1895, p. 72.)

Sec. 26. (8072-S.) Payment and Cancellation—Reports.—On the payment of the bonds or coupons of any school district, the county treasurer shall immediately cancel the same and endorse thereon the date of payment, and shall thereupon present the same to the county clerk, who shall cancel said bonds or coupons on his register by endorsing thereon the date of payment of each, and immediately return the same to the county treasurer; and at the same time of the settlement with the several school district treasurers of his county, the county treasurer shall deliver to each the cancelled bonds and coupons of his district and take a receipt therefor, and such cancelled bonds and coupons shall be destroyed by the district treasurer in the presence of all the officers of the district, a complete record of their destruction being made by the district clerk. On the last Saturday of July of each year, each and every county treasurer shall make the county clerk of his county a detailed report of all the bonds and coupons cancelled during the year, and the date of payment of the same, accompanied by the receipts given by district treasurers thereof. (L. 1895, p. 73.)

An Act providing for the adjustment and payment of debts contracted by school districts which have been changed, and the territory belonging thereto organized into new districts and for other purposes.

Sec. 27. (8073-S.) Superintendent to Apportion Debts.—It shall be the duty of the county superintendent, on or before the first day of May, 1897, in each county in this State, to audit any outstanding indebtedness that may have been contracted by any school district prior to the same such district was changed and apportion the same to the districts now comprising the territory of such district, taking as a basis of apportionment the assessed valuation of property included in the boundaries of said divided district, and he shall apportion to each of the districts which have acquired the territory of said divided district such portion of said indebtedness as the assessed valuation of the property of that portion of the territory thus acquired bears to the entire assessed valuation of such divided district. (L. 1897, p. 276.)

Sec. 28. (8074-S.) To Issue Orders on Treasurer.—When such apportionment has been made, the county superintendent shall have the power, and it is hereby made his duty, to issue orders on the county treasurer in payment of all warrants issued against said divided districts, which orders shall be paid by the county treasurer on presentation, or as soon as he may have sufficient funds to the credit of such district: Provided, All such orders so drawn shall be paid before any other outstanding warrant indebtedness against said district or districts: Provided, (Further), That orders against such districts shall only be issued for the amount of indebtedness proportioned to the same under the provisions of this act. (L. 1897, p. 276.)

Sec. 28. (8075-S.) To Dispose of Property.—The county superintendent shall have the power to dispose of any property which may belong to any such divided districts, by agreement with the district board retaining the property of such divided district; Provided, That the funds arising from

the sale of such property shall be applied by the county superintendent to the payment of the indebtedness of said divided district or districts. (L. 1897, p. 276.)

An Act authorizing school districts in Oklahoma to relocate school houses in such districts.

Sec. (8076.) Upon the petition of one-third of the voters of any school district in Oklahoma, in any district containing a town or village, qualified to vote at a school district election, the district board of said school district shall call a meeting of the voters of said school district at the school house therein, in the manner provided by law for calling special school meetings for the purpose of determining the re-location of the school house in said district. If at such meeting the voters of the district, by vote of two-thirds of the resident voters of the district voting within the school district determine to re-locate the school house at some point in said district, the board of said district shall locate said school house at some point in said district in or adjoining such town or village. (L. 1895, p. 380.)

ARTICLE VII.

SECTION

1. Branches to be Taught.
2. Agricultural Education.
3. Common School Graduation.

SECTION

4. School Month.
5. May Assess a Tuition Fee, etc.

Sec. 1. (8077-S.) Branches Taught.—That in each and every school district shall be taught orthography, reading, writing, English grammar, geography, and arithmetic, and such other branches as may be determined by the district board: Provided, That the instructions given in the several branches taught shall be in the English language. (L. 1893, S. 5811.)

Sec. 2. Agricultural Education, Etc.—The elementary principles of agriculture, horticulture, animal husbandry, stock feeding, forestry, building county roads and domestic science, including the elements of economics shall be embraced in the branches taught in all the public schools of this State receiving any part of their support from this State, and these branches shall be as thoroughly studied and taught by observation, practical exercises, and the use of text and reference books, and in the same manner as are other like required branches in said public schools. (Laws of 1908, Franklin Senate Bill 109. Sec. 2, p. 14.)

Sec. 3. Common School Graduation; Etc.—Candidates for graduation from the eighth grade in the common schools must receive instruction and be able to pass an examination in the following subjects in addition to those named in the preceding sections: El. music, U. S. history, including Oklahoma history; physiology and civics, including Oklahoma Constitution. (Rules and Regulations of State Board of Education for 1908.)

Sec. 4. (8078-S.) School Month.—A school month shall consist of four weeks of five days each of six hours per day.

Note.—This means six hours exclusive of the noon hour.

Sec. 5. (8079-S.) May Assess Tuition Fee.—Whenever there is not sufficient money belonging to any school district to support a public school the length of time prescribed by law or determined at the annual meeting or at a special meeting duly called, the district board, to meet said deficiency, may assess a tuition fee upon each scholar attending said school, the assessment to be proportioned to the number of days each pupil has been in actual attendance during the term. Provided, That no tuition shall be levied upon the pupils of any district in accordance with the provisions of this act, unless the entire amount of *2 per cent for teachers' wages as required by law be first assessed upon the taxable property of said district. (S. 1893, S. 5813.)

***Note.**—The State Constitution provides for five mills with privileges of increasing to 15 mills by special vote. See Bunn's Constitution of Oklahoma, Art. X, Sec. 275, p. 75. ("Also see H. B. 14, Spl. L. 1910.")

ARTICLE VIII.

District in More Than One County.

SECTION

1. District in More Than One County—How Formed—Procedure.

An Act to provide for the formation of school districts situated in two or more counties.

Sec. 1. (8080-S.) District in More than One County, Etc.—When it shall become necessary to form a school district lying partly in two or more counties, the county superintendents of the counties in which the said tract of country shall be situated, when application shall be made in writing to any one of them by five householder resident therein, shall, if by them deemed necessary, meet and proceed to lay off and form the same into a school district, issue notices for the first district meeting, and shall file the proper papers in their respective offices, and such district so organized shall be designated "Joint District No., Counties of" and the boundaries of such district shall not be altered except by the joint action of the superintendents of the several counties represented in said district: Provided, That if in the alteration of or refusal to alter the boundaries of any joint school district, any person or persons shall feel aggrieved, such person or persons may appeal to the State superintendent of public instruction, and notice of such appeal shall be served on the superintendents of the several counties represented in said district within ten days after rendition by them of the decision appealed from, which notice shall be in writing and shall state fully the objections to the actions of the county superintendents, and a copy thereof shall be filed with the State superintendent of public instruction; and it shall be the duty of the county superintendents in whose possession are the papers connected with the action appealed from to transmit the same to the State superintendent of public instruction immediately upon being served with notice of appeal as hereinbefore provided, and thereupon the State superintendent of public instruction shall fix a time for the hearing of said appeal, and notify the several county superintendents interested, and they shall take action in accordance therewith: And, Provided Further, That each joint district, except in matters relating to the alteration of the boundaries thereof, shall be under the jurisdiction and control of the superintendent of that county represented in such districts having the largest amount of territory embraced within the boundaries of such joint district. (L. 1895, p. 245.)

ARTICLE IX.

District Offices.

SECTION

1. Officers—Term of.
2. Powers of School Boards.
3. Oath.
3. Vacancies—Filled.
5. Directors—Duties of.
6. Duties of Clerk.
7. Deputy.
8. Clerk Shall Draw Orders.
9. Board Meets—to make Full Report of the District.
10. Penalty for False Report.
11. District Clerk's Report to County Clerk.
12. To County Superintendent.
13. Tax Levies Reported and Penalty for Failing to Report.
14. School District Treasurer—Bond, etc.
15. Duties of.
16. County Treasurer—Duties of.
17. Warrants—How Paid.
18. Warrants—to be Registered.
19. Warrants—Order of Payment.
20. Treasurer—Annual Report—Duties.
21. Books and Records—Open for Inspection.
22. Treasurer—Refusing to Pay Over—Penalty.
23. County School Fund.
24. District Tax.
25. District Treasurer shall Pay Money Remaining.

SECTION

26. Penalty for Failure to Pay Money.
27. Who Must Deliver Books, etc.
28. School House Site.
29. Care of School House.
30. Non-resident Pupils.
31. Teacher's Contract.
32. Appendages.
33. No Religion Taught.
34. Not Taxable.
35. Suspension of Pupils.
36. Teacher's Daily Register.
37. Taxes.
38. Penalty.
39. Disposition of Fines.
40. Judgments—Liability of Board.
41. Removal of School House.
42. Use of School House.
43. To Audit Claims.
44. Last Assessment—the Basis.
45. Special Levy.
46. Clerk to Extend Levies.
47. Treasurer to Collect.
48. Residue to be Apportioned.
49. To Reimburse Original District.
50. Superintendent to Ascertain Indebtedness.
51. County Clerk to Extend Levy.
52. County Treasurer to Collect.

Sec. 1. (8081-S.) Officers—Term of.—The officers of each school district shall be a director, clerk and treasurer, who shall constitute the district board, and who shall be elected and hold their respective offices as follows: At the annual election in nineteen hundred eight there shall be elected (in all districts not previously organized according to Oklahoma school law) a director who shall hold his office for three years, a clerk, who shall hold his office for two years, and a treasurer, who shall hold his office for one year, and thereafter at each annual meeting there shall be elected one member of said board in place of the outgoing member, who shall hold his office for three years and until his successor shall be elected and qualified: Provided, That school officers holding office under the existing law, shall hold office for the term for which they were elected or until their successors are elected and qualified. (L. 1907-8, P. 399.)

Sec. 2. (8082-S.) Powers of School Boards.—Nothing in this act shall be construed to prevent the present school boards from employing teachers for the ensuing year or entering into contracts for the building and equipping of school houses or any other necessary expenses prior to the annual school meeting in 1908. (L. 1907-8, P. 399.)

Sec. 3. (8083-S.) Oath of Office.—School district officers before entering upon their official duties shall take an oath to faithfully perform said duties, and the chairman of any regular or special meeting is hereby authorized and empowered to administer such oaths. (S. 1893, S. 5778.)

Sec. 4. (8084-S.) Vacancies—How Filled.—Every person duly elected to the office of director, clerk or treasurer of any school district who shall refuse or neglect, without sufficient cause to qualify within twenty days after his election or appointment, or who, having entered upon the duties of his office shall neglect or refuse to perform any duty required of him by the provisions of this act, shall thereby forfeit his right to the office to which he was elected or appointed, and the county superintendent shall thereupon appoint a suitable person in his stead. (S. 1893, S. 5779.)

Sec. 5. (8085-S.) Directors—Duties of.—The director of each district shall preside at all district meetings, and shall sign all orders drawn by clerk authorized by a district meeting, or by the district board, upon the treasurer of the district, for moneys collected or received by him to be disbursed therein. He shall appear for and in behalf of the district, in all suits brought by or against the district, unless other directions shall be given by the voters of such district, at a district meeting. (S. 1893, S. 5780.)

Sec. 6. (8086-S.) Duties of Clerk.—The clerk of such district shall record the proceedings of his district in a book provided by the district for that purpose, and enter thereon copies of all reports made by him to the county superintendent; and he shall keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office. (S. 1893, S. 5781.)

Sec. 7. (8087-S.) Deputy.—The said clerk shall be the clerk of the district board and of all district meetings, when present; but if such clerk shall not be present at any district meeting, the voters present may appoint a clerk of such meeting, who shall certify the proceedings thereof, and the same shall be recorded by the clerk of the district. (S. 1893, S. 5782.)

Sec. 8. (8088-S.) Clerk Shall Draw Orders.—The clerk of the district shall draw orders on the treasurer of the district for moneys in the hands of such treasurer which have been apportioned to or raised by the district, to be applied to the payment of teacher's wages, and apply such money to the payment of wages of such teachers as shall have been employed by the district board; and said clerk shall draw orders on the treasurer for the moneys in the hands of such treasurer to be disbursed for any other purpose ordered by a district meeting or by the district board, agreeable to the provisions of this act. (S. 1893, S. 5783.)

Sec. 9. (8089-S.) Board Meets—To Make Full Report of District.—Each school district board shall hold a meeting at least five days previous to the annual meeting in each year, for the purpose of preparing the report of the clerk and treasurer which shall be read and submitted to the legal voters of the district at the annual meeting, for their information and consideration; if any change or alteration therein be necessary, the same shall be made, and it shall then be transmitted to the county superintendent of public instruction. Said report shall show: First, the number of children, male and female, white and colored, designated separately, residing in the district or part of district on the fifteenth day of January previous to the date of such report, over the age of six and under the age of twenty-one years. Second, the number of children attending the school during the year, their sex, and branches studied. Third, the length of time a school has been taught in the district by a qualified teacher, the name of the teacher and the wages paid. Fourth, the amount of money received from the county treasurer arising from disbursements of the State annual school fund, the amount received from district taxes, and the amount received from all other sources during the year, and the manner in which all moneys have been expended. Fifth, the amount of money raised by the district in such year and the purpose for which it was raised. Sixth, the kind of books used in the school, and such facts and statistics in regard to the district school as the county superintendent may require. (L. 1897, p. 268.)

Sec. 10. (8090-S.) Penalty for False Report.—Every clerk of a district who shall willfully sign a false report to the county superintendent of his county, shall be deemed guilty of a felony, and punished by confinement in the penitentiary for not less than one year nor more than three. (S. 1893, S. 5785.)

Sec. 11. (8091-S.) District Clerk's Report to County Clerk.—It shall be the duty of the several district clerks in this State to make out a certified list of all persons residing within their respective districts liable to pay taxes, and transmit the same to the county clerks of their respective counties on or before the twenty-fifth of May, annually. (S. 1893, S. 5786.)

Sec. 12. (8092-S.) To County Superintendent.—The district clerk shall report to the county superintendent in writing the names and postoffice address of all the district officers elect within two weeks after said officers shall have been elected or appointed and qualified. The clerk shall also report to the county superintendent the time of the commencement of each term of school within two weeks of the commencement of such term. (S. 1893-5787.)

Sec. 13. (8093-S.) Taxes Levied and Penalty for Not Reporting.—The district clerk shall within five (5) days report to the county clerk the amount of tax levied at the annual meeting and for what purpose the same was levied. Any such clerk who shall fail to report the tax so voted shall be liable to a fine of not less than ten dollars, nor more than one hundred dollars; and it is hereby made the duty of the county superintendent to have the provisions of this act enforced. (L. 1897, p. 269.)

Sec. 14. 8094.) School District Treasurer—Bond of—Suit on Bond—When—The treasurer of the school district shall execute to the district a bond in double the amount, as near as it can be ascertained, to come into his hands as treasurer during each year, with sufficient sureties to be approved by the county superintendent of public schools, conditioned that he will faithfully discharge and perform all the duties of his office; and such bond shall be taken in the name of the district. Such bond shall be justified by the affidavit of the principal and sureties as required by law in other cases; and the director of the district and the county superintendent of public instruction are hereby authorized to administer the oaths for the justification of the treasurer and his sureties. Said bond shall be filed with the county superintendent of public instruction, and in case of the breach of any condition thereof, the county superintendent, or the director or clerk of the district shall cause a suit to be commenced thereon in the name of the district, and the money collected in such suit shall be applied by the board to the use of the district as the same should have been applied by the treasurer. If the county superintendent, clerk and director shall fail and refuse to prosecute said treasurer, then any taxpayer of the district may cause such prosecution to be instituted as provided in this act. (L. 1901, p. 200.)

Sec. 15. (8095.) Duties of—The treasurer of such district shall pay out on the order of the clerk of the district, attested by the seal thereof, and countersigned by the director of such district, all public moneys which shall come into his hands for the use of the district. (L. 1901, p. 201.)

Sec. 16. (8096.) County Treasurer—Duties of.—The county treasurer shall pay to each district treasurer from time to time all school moneys in the county treasury belonging to the district, upon the order of the clerk and director of the district: Provided, That said order shall be accompanied by a certificate from the county superintendent, stating that said treasurer has executed and filed his bond as required by law; but such order and certificate shall not be necessary except the first time money is desired to be paid to him by the county treasurer after his qualification. (L. 1901, p. 201.)

Sec. 17. (8097.) Warrants—How Paid.—Said district treasurer shall pay on presentation any warrant or other order properly drawn on any fund in his custody by virtue of his office; and when paid, he shall write across the face of said warrant or order in red ink the word "Paid," the date when

paid, the amount of principal and interest, if any, paid, and shall sign the same officially: Provided, That there is sufficient money in his hands belonging to the fund upon which said warrant or order is drawn to pay the same. (L. 1901, p. 201.)

Sec. 18. (8098-S.) Warrants to be Registered.—In case there is not sufficient money in the hands of any such treasurer belonging to the particular fund drawn upon to pay any warrant or order when presented for payment, it shall be the duty of such treasurer to make a certificate of that fact upon the back of any such warrant or order, and to date, sign and number the same in regular order; and he shall set down and enter in a book to be kept for that purpose, the registry number, amount, date and upon what fund drawn, to whom payable, and the date when presented for payment, as provided in section (8097) of this act; and all such warrants or orders shall be paid in their order of presentation for payment and of their registration as shown by said book; and such books shall be known in each such office as the "Warrant Register." And all warrants after registration shall draw interest at the rate of six per centum per annum from the date of such registration until fully paid; and such registration book shall be open to the inspection of any person interested at all reasonable times. (L. 1901, p. 202.)

Sec. 19. (8099-S.) Warrants—Order of Payment—Publication, Etc.—Whenever any money shall come into his hands by virtue of his office, it shall be the duty of such district treasurer to set apart a sufficient sum from the several funds to which said money belongs to pay all warrants or orders that may have been registered against said several funds in compliance with the provisions of this act; or so much of said money as shall be necessary for such purpose. And if such money in any fund is not sufficient to pay all warrants and orders registered against said fund, he shall set apart said money for the payment of the warrants registered against the fund to which said money may belong until said money is exhausted; and he shall keep the money so set apart until it is called for by the person to whom it is payable; and it shall be the duty of said treasurer to post up in three public places in his district between the 15th and the last days of February and August in each year a list of the warrants or orders unpaid, and for the payment of which he has sufficient funds in his hands, and one of which lists shall be posted on the door of the school house of his district; and from and after thirty days after such posting, interest shall cease upon the warrants which he has so posted as being payable. (L. 1901, p. 202.)

Sec. 20. (8100-S.) Treasurer's Annual Report, Etc.—County Supt.—Duties of.—The treasurer shall keep a book in which he shall keep and enter an account of all moneys received and disbursed by him specifying particularly the sources from which money has been received and the person or persons to whom and the object for which the same was paid out. He shall present to the district at each annual meeting a report in writing containing a statement of all moneys received by him from the county treasurer during the year; also all moneys collected by him during the year from assessments in his district, and of the disbursements made by him, with the item of such disbursements and shall exhibit the voucher thereof; and the same shall be examined at such annual meeting of the district and if found correct shall be approved. Said report shall be in writing and shall be by the district clerk recorded at length; and within ten days after such annual meeting said district treasurer shall present a copy of said report to the county superintendent of public instruction of his county, together with all the vouchers for disbursements by him made and said county superintendent shall examine the report and vouchers, and if he finds the same correct,

he shall approve it; but if not found correct, he shall take such steps as the law and the facts may require; and at the close of his term of office the said treasurer shall settle with the county superintendent and shall turn over to his successor all the books, vouchers, orders, warrants and papers coming into his hands as the treasurer of such school district, together with all moneys remaining in his hands as such treasurer. (L. 1901, p. 203.)

Sec. 21. (8101-S.) Books and Records Open for Inspection.—The books, records, papers, vouchers and other archives of the school district treasurer's office shall be open at all times to the inspection and examination of the county superintendent, the district clerk and director, and to all persons holding obligations against said district. (L. 1901, p. 204.)

Sec. 22. (8102-S.) Treasurer Refusing to Pay Over—Penalty.—If any district treasurer shall refuse to pay over to his successor any money in his hands belonging to the district it shall be the duty of his successor in office to prosecute without delay the official bond of said treasurer for the recovery of such money. And in case such successor shall fail or neglect to proceed, any taxpayer of the district may prosecute such suit in the name of the district. Any treasurer who shall willfully fail, refuse or neglect to pay over any money in his hands belonging to the district, shall be deemed guilty of embezzlement, and upon conviction thereof, shall be punished in the manner prescribed for the felonious stealing of property of the value of that embezzled. (L. 1901, p. 204.)

Sec. 23. (8103-S.) County School Fund.—The county commissioners shall at the time the annual taxes for State and county purposes are levied, levy on the taxable property of the county a tax, not to exceed one per cent, which shall be collected as other taxes; and the money so realized together with the proceeds of all moneys collected from fines, forfeitures, penalties, proceeds from the sale of estrays and all moneys paid by persons as equivalent for exemption from military duty, and all moneys collected from marriage licenses, shall constitute a county school fund, and be appropriated exclusively for the purpose of establishing and supporting public schools for not less than three nor more than nine months in each year, and defraying current expenses of the same of every description; and said county school fund shall be apportioned to each school district in said county in proportion to the number of children over the age of six years and under the age of twenty-one years, resident therein, as shown by the last annual enumeration of the same. The county treasurer shall pay to each district treasurer in the county all school moneys in the county treasury belonging to the district, upon the order of the director and clerk of the district: Provided, That said order shall be accompanied by a certificate from the district clerk, stating that the treasurer of the district has executed and filed his bond as required by law. (S. 1893, S. 5791. (See H. B. 14, Spl. L. 1910.)

Sec. 24. (8104-S.) District Tax.—When a school district tax has been voted, and from the fault of negligence of any officer or any other cause, has not been levied and collected in any one year, the same shall be added to and collected with the taxes of the following year; and the county treasurer shall pay over to the treasurers of the respective school districts (all the taxes he may have collected for said districts) on the order of the district clerk, countersigned by the director, subject to the provisions contained in section (8103) of this article. (S. 1893, S. 5792.) (See H. B. 14, Spl. L. 1910.)

Sec. 25. (8105-S.) District Treasurer Shall Pay Money Remaining, Etc.—The treasurer shall keep a book in which he shall enter all moneys received and disbursed by him specifying particularly the sources from which money has been received and the person or persons to whom and the object for which the same was paid out. He shall present to the district at

each annual meeting a report in writing containing a statement of all moneys received by him from the county treasurer during the year; also all moneys collected by him during the year from assessments in the district, and of the disbursements made by him, with the items of such disbursements and exhibit the vouchers therefor; which report by the district clerk and at the close of his term of office shall settle with the district board and shall hand over to his successor said books and all receipts, vouchers, orders, and papers coming into his hands as the treasurer of such school district, together with all moneys remaining in his hands as such treasurer. (S. 1893, S. 5793.)

Sec. 26. (8106-S.) Penalty for Failure to Pay Money.—If any district treasurer shall refuse or neglect to pay over to his successor any money in his hands belonging to the district it shall be the duty of his successor in office to prosecute without delay the official bond of such treasurer for the recovery of such money. And said district treasurer who shall refuse or neglect to pay over any money in his hands belonging to the district shall be guilty of a felony and shall be imprisoned in the penitentiary for a period of not less than one year nor more than five. (S. 1893, S. 5794.)

Sec. 27. (8107-S.)—Who Must Deliver Books.—Every school district clerk or treasurer who shall neglect or refuse to deliver to his successor in office all records, books and papers, belonging to his office shall be guilty of a misdemeanor and shall be fined in any sum of not less than one hundred dollars, nor more than five hundred dollars, or be imprisoned in the county jail for a period of six months. (S. 1893, S. 5795.)

Sec. 28. (8108-S.) School House Site.—The district (board) shall purchase or lease such a site for a school house as shall have been designated by the voters of a district meeting, in the corporate name thereof and shall build, hire or purchase such school house as the voters of the district in a district meeting shall have agreed upon, out of the funds provided for that purpose, and make sale of any school house site or other property of the district, and if necessary, execute a conveyance of the same in the name of their office, when lawfully directed by the voters of such district, at any regular or special meeting, and shall carry into effect all lawful orders of the district. (S. 1893, S. 5796.)

Sec. 29. (8109-S.) Care of School House.—The district board shall have the care and keeping of the school house and other property belonging to the district. They shall have power to make such rules and regulations as they deem proper, and may appoint some suitable person to take charge of the school apparatus, maps, charts, etc., belonging to the district. (S. 1893, S. 5797.)

Sec. 30. (8110-S.) Non-Resident Pupils.—The district board shall have power to admit scholars from adjoining districts: Provided, Said pupil shall pay a tuition fee, which fee shall be prescribed by the district board. (S. 1893, S. 5798.)

Sec. 31. (8111-S.) Teachers' Contract.—The district board of each district shall contract with and hire qualified teachers for and in the name of the district, which contract shall be in writing and shall specify the wages per week or month as agreed upon by the parties, and such contract shall be filed in the district clerk's office, and, in conjunction with the county superintendent may dismiss such teacher or teachers for incompetency, cruelty, negligence or immorality. Whenever any person shall make and enter into a valid contract with any such district board to teach school in such district, such contract shall be binding upon such teacher until he has been legally discharged therefrom according to law or released therefrom by such district board in regular sessions; and until such person shall have thus been discharged or released, he shall not have authority to make and

enter into any valid contract with any other such district board or board of education in the State of Oklahoma to perform services as teacher or instructor for a period of time covered by an existing valid contract which said person has made. No district board or board of education shall have authority to pay any money or issue any warrants for the payment of money to any person for services as teacher or instructor, except for services performed under and by virtue of a valid contract existing between such district board and such teacher to be paid. (S. 1905, p. 362.)

Sec. 32. (8112-S.) Appendages.—The district board shall provide the necessary appendages (for the school house) during the time the school is taught therein and shall (keep) an accurate account of all expenses thus incurred, and present the same for allowance at any regular district meeting. (S. 1893, S. 5800.)

Sec. 33. (8113-S.) No Sectarian Doctrine, Etc., Taught.—No sectarian or religious doctrine shall be taught or inculcated in any of the public schools in this state, but nothing in this section shall be construed to prohibit the reading of the Holy Scripture. (S. 1893, S. 5801.)

Sec. 34. (8114-S.) Not Taxable.—All property held by the school district of any school district in this State for the use of public schools shall be exempt from taxation, and shall not be taken in any manner for any debt from the district. (S. 1893, S. 5802.)

Sec. 35. (8115-S.) Suspension of Pupils.—The teachers may suspend from the privileges of a school, any pupil guilty of immorality or persistent violation of the regulations of the school, which suspension shall not extend beyond the current quarter of the school: Provided, That the pupil suspended shall have the right of appeal from the decision of said teacher to the board of directors which shall, upon a full investigation of the charges preferred against said pupil, determine as to the guilt or innocence of the offence charged, whose decision shall be final. (S. 1893, S. 5803.)

Sec. 36. (8116-S.) Teachers' Daily Register.—The district board shall furnish each teacher with a suitable daily register, and shall visit together, or by one or two of their number, all the schools of their district, at least twice a term, and at such other periods during the term as in their opinion the exigencies of each school may require; at which visit they shall examine the register of the teacher and see that it is properly kept, and enquire into other matters touching the school house, facilities for ventilation, furniture, apparatus, library, studies, discipline, modes of teaching and improvement of the schools, and confer with the teacher with regard to the condition and management, and make such suggestions as would, in their view, promote the interest and efficiency of the school and the progress and good of the pupils. The date and result of such visits shall be entered by the clerk of the board on their minutes. (S. 1893, S. 5804.)

Sec. 37. (8117-S.) Taxes.—It shall be the duty of the school district board of the various school districts of the respective counties of the State to cause to be certified by the school district clerk to the county clerk of their respective counties, on or before the twenty-fifth day of August, annually, the aggregate percentage by them levied on the real and personal property in each district, as returned on the assessment roll of the county; and the county clerk is hereby authorized and required to place the same on the tax roll of said county, in a separate column or columns, designating the purpose for which said taxes were levied; and the said taxes shall be collected by the county treasurer and paid over to the treasurers of the respective school districts in the county, with the same power and restrictions and under the same regulations and in all respects, as to the sale of real and personal property. He shall be authorized, and is hereby required, to act according to the provisions and requisitions of the law for the collec-

tions of taxes for State, county and township purposes. (S. 1893, S. 5805.) (See H. B. 14, Spl. L. 1910.)

Sec. 38. (8118-S.) Penalty.—Any member of any school district board or county clerk or county treasurer who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred dollars nor more than five hundred, or by imprisonment in the county jail not less than six months, or by both such fine and imprisonment; and any teacher who shall violate any of the provisions of this act shall be liable to immediate dismissal, and it shall be the duty of the county superintendent to prosecute and carry out the provisions of this section. (S. 1893, S. 5806.)

Sec. 39. (8119-S.) Disposition of Fines.—All fines collected for any violation of this act shall be paid to the treasurer of the county where the suit is brought for the support of the common schools. (S. 1893, S. 5807.)

Sec. 40. (8120.) Judgments—Liability of Bond.—Whenever any final judgment shall be obtained against any school district, the district board shall levy a tax on all taxable property in the district for the payment thereof; such taxes shall be collected as other school district taxes, but no execution shall issue on such judgment against the school district; and in case the district board neglect to levy a tax as aforesaid, for the space of thirty days after such judgment shall become final, or in case the proper officer shall neglect to collect the tax levied within the time and in the manner provided by law, then the judgment creditor of the district may have and recover a judgment against the officer or officers or his or their sureties, so in default, for the amount due him on such judgment against the district, with costs, upon which execution shall issue. (S. 1893, S. 5808.)

Sec. 41. (8121-S.) Removal of School House.—That whenever a school house or other improvements have been made upon the claim of any settler upon any of the public or Indian lands, within this State, to which the said settler had no title, it shall be lawful for the school directors of the proper school district to remove said school house or other improvements from the said claim at any time within one year from the time that the settler in any given case may acquire a title to his said claim: Provided, That if the said settler, in any given case, shall convey to said board of school directors one acre of land upon which said school house or other improvements are situated, the same shall not be removed; And, Provided, Further, That if any school house shall have been built of stone, brick or frame costing not less than five hundred dollars, the probate judge of the county shall appoint three disinterested persons, who shall appraise and condemn one acre of such land upon which said improvements shall have been located, and it shall be the duty of the school directors of such district to pay to the owner of such land the value of such land as found by said appraisers, according to the provisions of this act. (S. 1893, S. 2809.)

Sec. 42. (8122-S.) Use of School House.—The district board shall have the care and keeping of the school house and other property belonging to the district as hereinbefore provided. They are hereby authorized to open the school house for the use of religious, political, scientific, mechanical or agricultural societies belonging in their district, under such regulations as the school board may adopt. (S. 1893, S. 5810.)

Sec. 43. (8123-S.) To Audit Claims.—It shall be the duty of the county superintendent, on or before the first day of April, 1895, in each county to audit any outstanding indebtedness that may have been contracted prior to March fourteenth, 1893, by any original township school board, and apportion the same to the State formerly comprising said school township. (L. 1895, p. 238.)

Sec. 44. (8124-S.) Last Assessment the Basis.—The last assessment returns of property subject to taxation within said school townships shall be the basis for establishing a levy to pay said indebtedness. (L. 1895, p. 238.) (Compare this with H. B. 14, Sp. L. 1910.)

Sec. 45. (8125-S.) Special Levy.—It shall be the duty of the county superintendent at the same time to certify to the county clerk a special levy in addition to the annual levy authorized by law on said property sufficient to pay said indebtedness, provided such special levy shall not exceed five mills in any one year, and the county superintendent shall continue to certify such levies as aforesaid from year to year, as provided herein, until such indebtedness is fully paid. (L. 1895, p. 238.) (See H. B. 14 Sp. L. 1910.)

Sec. 46. (8126-S.) Clerk to Extend Levies.—It shall be the duty of the county clerk to extend such levies on the tax rolls of the county in the same manner as provided for other tax levies. (L. 1895, p. 238.)

Sec. 47. (8127-S.) Treasurer to Collect.—The county treasurer shall collect the taxes under such levy the same as other taxes and apply the funds of each school township as fast as collected to the payment of outstanding warrants of such townships in the order of their registration. (L. 1895, p. 239.)

Sec. 48. (8128-S.) Residue to be Apportioned.—Should there be any surplus funds collected the county superintendent shall apportion such residue to the independent districts formed out of such school townships in the ratio of the last assessed valuation of the property of such independent districts within said State. (L. 1895, p. 239.)

Sec. 49. (8129-S.) To Reimburse Original District.—Any independent school district having in its possession any school buildings, seats, desks, or school supplies, contracted for or purchased by the original school township under the laws of 1890, for the use of such school districts, shall, when a demand is made by the directors of a special school district as created by the law of 1893, within the limits of the said township or townships, levy a tax upon the district having in its possession said desks and other supplies, to reimburse the district making such demand of its share of the support paid, or debts contracted for such supply. (L. 1895, p. 239.)

Sec. 50. (8130-S.) Superintendent to Ascertain Indebtedness.—It shall be the duty of the county superintendent of such school district to ascertain the proportion due such district or districts of the money paid, or debt so contracted, for the purchase of said school supplies, and shall certify to the clerk of the county a special levy, in addition to the annual levy authorized by law on said property, sufficient to pay said indebtedness: Provided, Such levy shall not exceed five mills in any one year; and said superintendent shall continue to certify such levy as aforesaid from year to year, as provided herein, until such indebtedness is fully paid. (L. 1895, p. 239.)

Sec. 51. (2131-S.) County Clerk to Extend Levy.—It shall be the duty of the county clerk to extend the levy on the tax rolls of the county in the same manner as provided for other taxes. (L. 1895, p. 240.)

Sec. 52. (8132-S.) County Treasurer to Collect.—The county treasurer shall collect such levy the same as other taxes, and apply the funds to the several districts to which the same may be due, as shall be certified to his office by the county clerk, based upon said report of the county superintendent. (L. 1895, p. 240.)

ARTICLE X.

County High Schools.

SECTION

1. Counties May Establish County High School.
2. Petition for Election—Notice of Election.
3. Repeal—Effect of.
4. Election—How Held—Board of Trustees—How Selected—Bond of.
5. Organization of Board—Quorum.
6. Trustees to Make Estimate for Levy—Liability.
7. How Collected.

SECTION

8. Treasurer of High School.
9. Selecting Site.—Buildings—Trustees.
10. Selecting Teachers.
11. Rules and Regulations.
12. Pupils from Other Counties.
13. Principal to Govern School.
14. Graduates May Enter State College.
15. Annual Report of Trustees.
16. Board of Trustees.
17. Salary of Secretary and Treasurer.

Sec. 1. (8133-S.) Counties May Establish High Schools.—Each county in the State of Oklahoma having a population of six thousand inhabitants or over as shown by the last State or Federal census, may establish a high school on the conditions and in the manner hereinafter prescribed, for the purpose of affording better educational facilities for pupils more advanced than those attending district schools. (L. 1901, p. 187.)

Note.—This is repealed by Sec. 8135.

Sec. 2. (8134-S.) Petition for Election—Notices.—When one-third of the electors of the county, as shown by the returns of the last preceding election, shall petition the board of county commissioners requesting that a high school be established in their county at a place in the said petition named, or whenever the said county commissioners shall in their discretion think proper, they shall give twenty days' notice previous to any general election, that they will submit the question to the electors of said county whether such high school shall be established and at the place specified at which election the electors of the county shall vote by ballot for or against establishing such high school. The notice contemplated in this section shall be given as are legal notices of a general or special election. (L. 1901, p. 187.)

Sec. 3. (8135-S.) Repeal—Effect of.—That Sections one (11) (8133) and two (2) (8134) of an act to authorize the establishment and maintenance of county high schools, approved March 18, 1901, be, and the same are, hereby repealed. Provided that the passage of this act shall not, in any manner, affect any county in this State that hertofore shall have established a county high school, or any county that within sixty (60) days prior to the passage and approval of this act shall have held an election under the provisions of Article one (1), Chapter twenty-eight (28), Session Laws of 1901, relating to the creation, establishment and maintenance of county high schools, and in such counties that have held an election within the sixty (60) days just mentioned, wherein majority of the votes cast at said election in said county, have been for the creation, establishment, and maintenance of a county high school at some point in such county. The passage of this act shall in no wise affect the creation, establishment and maintenance of a county high school in such counties, and such county or the people thereof, as provided by law, shall have the power and authority to proceed to the full creation, establishment and maintenance of such high school the same as if this act had never been passed. (L. 1909, S. B. 4, Approved Feb. 26, 1909.)

Sec. 4. (8136-S.) Election—How Held—Board of Trustees.—Said election shall be held in the same manner as are elections for county officers; and the voters on said question shall be canvassed in the same manner as in the election of county officers, and if a majority of all the votes cast shall

be in favor of establishing such high school, the county commissioners shall immediately proceed to appoint six persons, who shall be residents and freeholders of the county, but not more than three of whom shall be residents of the same township or city or members of the same political party, who shall with the county superintendent of public instruction, constitute the board of trustees for such school. Each of said trustees, appointed as aforesaid, shall hold his office for a term of one year or until his successor is appointed and qualified and shall be required in ten days after his appointment to qualify by taking the usual oath of office, and by giving such bond as may be required by said board of county commissioners for the faithful discharge of such duties. (L. 1901, p. 188.)

Sec. 5. (8137-S.) Organization of Board—Quorum.—The county superintendent shall, by virtue of his office, be president of said board of trustees. At the first meeting of said board of trustees in each year they shall appoint from their own members a secretary and treasurer who shall perform the duties devolving upon such officers and shall give such additional bond as the county commissioners shall deem sufficient. A majority of said board shall constitute a quorum for the transaction of all business, but four votes in the affirmative or negative shall be required to decide any question. (L. 1901, p. 188.)

Sec. 6. (8138-S.) Trustees to Make Estimate for Levy.—At said first meeting or at some succeeding meeting called for such purpose prior to the fifteenth day of June of each year, the trustees shall make an itemized estimate of the amount of funds needed for payment of teachers' wages and for payment of contingent expenses, and they shall present to the board of county commissioners a certified estimate of the rate of tax required to raise the amount desired for such purpose, and the county commissioners shall cause the same to be extended upon the tax rolls and collected as other taxes and when collected, the same shall be paid to the treasurer of said board of trustees to be paid out by him on the order of said board of trustees. But in no case shall the tax for teachers' wages and contingent expenses exceed in any one year three mills on the dollar on the taxable property of the county. All indebtedness created by said board of trustees for the purpose above mentioned in excess of eighty per cent of the tax so levied shall be void as against said fund but may be recovered from the individual members voting to create the same. (L. 1903, p. 260.)

Sec. 7. (8139-S.) How Collected.—Said tax shall be levied and collected in the same manner as other county taxes, and when collected the county treasurer shall pay the same to the treasurer of the county high school in the same manner that school funds are paid to the district treasurers. (L. 1901, p. 189.)

Sec. 8. (8140-S.) Treasurer of High School—Duties—Report.—The said treasurer of the high school shall receive from the county treasurer and from other parties all moneys that belong to the funds of said school, and shall pay out the same only by direction of the board of trustees, upon orders duly signed by the president and countersigned by the secretary, stating the purpose for which they were drawn. Both secretary and treasurer shall keep an accurate account of all moneys received and expended for said school, and at the close of each year or oftener if required by the board of trustees, they shall make a full statement of the financial affairs of the school. (L. 1901, p. 189.)

Sec. 9. (8141-S.) Selecting Site—Buildings—Trustees May Issue Warrant to Pay for Same.—The board of trustees shall proceed as soon as practicable to select the best site that in their judgment can be obtained for the location of said school building without expense to the county, they shall then proceed to advertise for plans and specifications for said county high

school building and after accepting or deciding on some plan shall advertise for bids for the erection of necessary school buildings and let the contract for the erection of said buildings, or they may proceed to make purchases of material and let the contract for the construction of the same. The board of trustees shall purchase the necessary furniture to furnish said building when completed, together with necessary heating and plumbing apparatus and necessary sewerage. They may, after making the contracts for the building and furnishing of such building, including heating plumbing and sewerage, issue warrants for the amount of the same payable in equal annual installments of not less than five nor more than twenty years, drawing interest at the rate of six per cent per annum, interest payable semi-annually on the first days of January and July of each year, said warrants shall be signed by the president and secretary of said board of trustees, and have the seal of said board impressed thereon; they shall also be endorsed by the county clerk, that they are issued according to law and by him registered in a book to be provided for that purpose; the warrants issued for the payments of the school buildings, furniture, heating, plumbing and necessary sewerage shall be divided into payments so that no tax levy for the payment of any annual installments and interest shall exceed three mills on the dollars valuation of said county for one year. Separate warrants may be issued for the building of school building and for the furnishing, heating, plumbing, and sewerage: Provided, however, that the total cost of said building, heating, plumbing and sewerage shall not exceed one and one-half per centum of the assessed valuation of said county for the year in which said county voted to erect and maintain a county high school. The warrants provided for to be issued by this section shall be sold at not less than par, the money derived from the sale of warrants issued to pay for the buildings, furniture, heating and plumbing, and for necessary sewerage shall be turned over to the county treasurer, and be by him paid out on the order of the board of trustees on a warrant properly signed by the president and secretary of said board. The county commissioners of the county wherein said county high school is located shall at their meeting in July of each year, provide a tax levy for the payment of said warrants and the interest thereon as they become due and payable, and they shall be a lien on said tax levy, and be paid by the county treasurer out of the same when collected. The board of trustees at their discretion may lease suitable buildings for the use of the high school until the erection of new buildings, the rent to be paid out of the fund created by this act. (L. 1903, p. 260.) (See H. B. 14, Sjl. L. 1910.)

Sec. 10. (8142-S.) Selecting Teachers.—The board of trustees shall employ a suitable person who shall take charge of said school and teach the same and shall be known as the principal of such school; and the trustees shall furnish such assistant teachers as they may deem necessary, and shall provide for the salaries thereof: Provided, That no member of the board of trustees or the wife, son or daughter of such member shall be employed as principal or teacher in such school.

Sec. 11. (8143-S.) Rules and Regulations.—Tuition shall be free to all pupils residing in the county where the school is located. The board of trustees shall make such general rules and regulations as they deem proper in regard to age and grade of attainments essential to entitle pupils to admission in such high school who shall not have passed a satisfactory examination in all the work of the district schools of the county in which such school is situated. If there should be more applicants than can be accommodated at any one time in such high school, each district shall be entitled to send its equal proportion of pupils according to the number of pupils it may have, as shown by the last report of the county superinten-

dent of public instruction; the board of trustees shall designate such pupils as may attend subject to the proviso above: Provided, Further, When the board of trustees shall deem the same expedient they may provide separate school facilities and teachers for pupils of colored or mixed blood who are otherwise qualified for admission to such high school. (L. 1901, p. 190.)

Sec. 12. (8144-S.) Pupils from Other Counties.—If at any time the school can accommodate more pupils than apply for admission from that county in which the school is situated the vacancy may be filled by applicants from other counties upon the payment of such tuition as the board of trustees may prescribe, but at no time shall such pupils continue in school to the exclusion of such pupils residing in the county in which such school is located. (L. 1901, p. 191.)

Sec. 13. (8145-S.) Principal to Conduct and Govern School.—The principal of such high school with the approval of the board of trustees, shall make such rules and regulations as he may deem proper in regard to the studies and conduct and government of pupils in such school; and if the pupils will not conform to nor obey the rules of the school, they may be suspended or expelled therefrom by the principal of said school subject to the approval of the board of trustees: Provided, That the principal shall have power to temporarily suspend. (L. 1901, p. 191.)

Sec. 14. (8146-S.) Graduates May Enter State College.—Those graduating from the normal course in the county high school shall be entitled to a teachers' second grade certificate and shall be admitted to the first year of professional work at the Normal Schools without further examination; and those graduating from the collegiate course shall be entitled to admission to the freshman class of the State University and the State Agricultural and Mechanical College without further examination. (L. 1901, p. 191.)

Sec. 15. (8147-S.) Annual Report of Trustees.—The board of trustees shall annually on the first day of July of each year, make a report to the county commissioners, which report shall specify the number of students attending the high school during the year, their sex, and the number of branches taught, the text books used, the number of teachers employed, the salaries paid and the amounts expended respectively for library, apparatus, building, and for all other purposes; also the amount of funds on hand, the debts unpaid, if any; the amounts due, if any; and all other information important or expedient to report. Such report shall be printed in at least one newspaper of the county, if any is published therein, and a copy of the report shall be forwarded to the State Superintendent of public instruction. (L. 1901, p. 192.)

Sec. 16. (8148-S.) Board of Trustees—Vacancies.—The county commissioners shall have power to fill any vacancy that may occur in the board of trustees. (L. 1901, p. 192.)

Sec. 17. (8149-S.) Salary of Secretary and Treasurer.—The county commissioners shall allow the secretary and treasurer of the board of trustees a salary not to exceed fifty dollars per annum each; and the same to be audited and paid in like manner as other claims by the said board of trustees. Said trustees shall not be entitled to nor receive any other additional remuneration. (L. 1901, p. 192.)

ARTICLE XI.

Kindergartens.

SECTION¹

1. Kindergartens may be Established.
2. Same as Above.
3. Kindergarten Defined.

SECTION

4. Teachers Trained—Normal School.
5. Kindergarten Census.
6. Teacher's Qualifications.

Sec. 1. (8150-S.) Kindergartens May be Established.—The directors of any school district, boards of education or other duly authorized, appointed, elected or qualified public school officer, of any town, city or school district, having a population of two thousand five hundred or more, may establish and maintain kindergartens in connection with the public schools under their jurisdiction, for all children between the ages of four and six years. (L. 1903, p. 257.)

Sec. 2. (8151-S.) Same as Above.—The school authorized in each and every town or city of over twenty-five hundred inhabitants as shown by the last federal census or any subsequent census authorized by the State may establish and maintain a complete kindergarten system for all children between the ages of four and six years. (L. 1903, p. 257.)

Sec. 3. (8152-S.) Kindergarten Defined.—The term kindergarten shall be construed to mean the application of the methods of Froebel or some approved American development of said methods, and no merely subprimary grades for children under six years of age shall be established under the authority of this act. (L. 1903, p. 257.)

Sec. 4. (8153-S.) Teachers Trained—Normal School.—Within one year after the provisions of this act shall become law, provisions shall be made or department established for the training of kindergarten teachers in the normal schools of the state.

Sec. 5. (8154-S.) Kindergarten Census.—Whenever a city, town or school district shall have established kindergartens in connection with its public school system as provided for by sections 8150 and 8151 of this act, the school officials of each city, town or school district shall cause (a census) to be taken of all pupils between the ages of four and six years and report said census duly certified by the clerk of said board of education, or clerk of school district to the county superintendent who shall certify report of said census to the State superintendent of public instruction. *Upon receipt of said report the State superintendent of public instruction shall apportion the funds arising from rentals on school lands in the same manner now accorded to other schools except that such aid shall inure to the district maintaining the kindergartens and on the basis of enumeration.

*Note.—This last provision is repealed by Sec. 1 of S. B. No. 259, Session Laws of 1908, p. 666. This is the opinion of the school land attorney to the school land commission.

Sec. 6. (8155-S.) Teachers' Qualifications.—All applicants for position in kindergartens maintained by said towns, city or school district shall be graduates of an accredited kindergarten normal school and subject to any examination instituted by the State Superintendent of public instruction. (L. 1903, p. 258.)

ARTICLE XII.

Union or Graded School.

SECTION

1. Union of Two or More Districts.
2. Board of Union Districts.
3. School Funds.
4. May Levy Tax.
5. Apportionment of School Money.
6. Clerk.
7. Treasurer.
8. Graded District Schools.
9. Annual Meeting.
10. Existing Law to Apply.
11. Majority of Vote to Decide Site.
12. Contracts.

SECTION

13. No Sectarian Doctrine.
14. Voters—Meeting of.
15. County Superintendent shall Declare Districts Disorganized.
16. Officers of Consolidated District.
17. Board—Powers and Duty of.
18. Bonded Indebtedness.
19. Disorganized Districts—Property of.
20. Annual Meeting.
21. Laws Applicable.
22. Consolidated District.

Sec. 1. (8156-S.) Union of Two or More Districts.—Whenever the inhabitants of two or more school districts may wish to unite for the purpose of establishing a graded school in which instruction shall be given in the higher branches of education, the clerks of the several districts, shall, upon written application of one-third of the voters of the respective districts, call a meeting of the voters of such districts, at some convenient place by posting up written notices thereof, in like manner as provided for calling district meetings, and if a majority of the voters in each of the two or more districts shall vote to unite for the purpose herein stated, they shall at that meeting, or at an adjourned meeting, elect a board of directors, consisting of a director, clerk and treasurer. (L. 1-895, p. 242.)

Sec. 2. (8157-S.) Board of Union District.—The board of directors provided in the preceding section shall, in all matters relating to the graded schools, possess all the powers and discharge all the like duties of the district board of directors, as prescribed in this act. (L. 1895, p. 243.)

Sec. 3. (8158-S.) School Funds.—The union or graded school district thus formed shall be entitled to an equitable share of the school funds, to be drawn from the treasurer of each district so uniting, in proportion to the number of children attending the said graded school from each district. (L. 1895, p. 243.)

Sec. 4. (8159-S.) May Levy Tax.—The said union district may levy taxes for the purpose of purchasing a building or furnishing proper buildings for the accommodation of the school, or for the purpose of defraying necessary expenses and paying teachers, but shall be governed in all respects by the law herein provided for levying and collecting district taxes. (L. 1895, p. 243.)

Sec. 5. (8160-S.) Apportionment of School Money.—The clerk of the union district shall report in writing to the treasurer of each school district uniting in the union district the number of scholars attending the graded school from his district, their sex, and the branches studied; and the said district treasurer shall apportion the amount of school money due the union district and pay the same over to the treasurer of the union district on order of the clerk and director thereof. (L. 1895, p. 243.)

Sec. 6. (8161-S.) Clerk.—The clerk of the union district shall make a report to the county superintendent of public instruction and discharge all the duties of clerk in like manner as clerk of the district. (L. 1895, p. 243.)

Sec. 7. (8162-S.) Treasurer.—The treasurer of the union district shall perform all the duties of treasurer as prescribed in this act in like manner as the district treasurer. (L. 1895, p. 243.)

Sec. 8. (8163-S.) Graded District Schools.—Any single district shall possess power to establish graded schools, subject to the provisions of the article in like manner as two or more districts united. (L. 1895, p. 244.)

Sec. 9. (8164-S.) Annual Meeting.—The annual meeting of union or graded school districts shall be held on the last Wednesday in June at such hour as may be indicated by the board. (L. 1895, p. 244.)

Sec. 10. (8165-S.) Existing Law to Apply.—Article 6, Chapter 73, of the Statutes of Oklahoma Territory, being an act for the support and regulation of common schools shall apply to, and be made a part of this act, for the purpose therein named. (L. 1895, p. 244.)

Sec. 11. (8166-S.) Majority—Vote to Decide Site.—No part of the Statutes of Oklahoma shall be construed so as to prevent the location of the site for a school house in union or graded school districts by a majority of the electors of said union or graded school districts. (L. 1895, p. 244.)

Sec. 12. (8167-S.) Contracts.—No expenditure involving an amount greater than two hundred dollars shall be made except in accordance with the provisions of a written contract, and no contract involving an expenditure of more than five hundred dollars for the purpose of erecting any public buildings or making any improvements shall be made except upon sealed proposals and to the lowest responsible bidder. (L. 1895, p. 244.)

Sec. 13. (8168-S.) No Sectarian Doctrine.—No sectarian doctrine shall be taught or inculcated in any of the public schools of the union district; but the Holy Scriptures, without note or comment, may be used therein at the discretion of each teacher. (L. 1895, p. 244.)

Sec. 14. (8169-S.) Voters—Meeting of—Consolidation of Districts.—Meetings of the voters of any two or more adjacent school districts may be called in their respective districts for the purpose of voting on the proposition of uniting with the other said adjacent districts for the purpose of establishing a consolidated school, said call to be made in the same manner as provided by law for the calling of special district meetings. If a majority of the votes cast in each of said districts shall be in favor of such consolidation, then the clerk of each of said districts shall thereupon make a written report of such action to the county superintendent of the county in which said districts are located. The vote in each district shall be made conditional upon its carrying in all of said districts: Provided, That unorganized territories and legally organized school districts containing a school population of one hundred persons or more may organize under the provisions of this act. (L. 1907-8, p. 670.) (Amended Section 1, Article 1, Chapter 33, Session Laws 1905.)

Sec. 15. (8170-S.) County Superintendent May Declare Districts Disorganized.—The county superintendent shall, upon receipt of the reports as provided in section 8169 of this act, declare said districts disorganized and shall form a consolidated district composed of the several districts voting to unite, and he shall designate a time and place for the meeting of the voters of the said districts so disorganized for the purpose of electing officers and completing the organization of said consolidated district. He shall give notice of said meeting by posting written or printed notices, stating the time, place and purpose of said meeting in at least three public places in each of the disorganized districts not less than ten days prior to the time of meeting; Provided, That in the formation of consolidated districts comprising territory lying in more than one county, the county superintendents of said counties shall act together in the same manner as provided by law in the formation and control of joint districts, and at said meeting of the voters of the newly organized school district, shall select a building site as near the center of population of such consolidated district as practicable. (L. 1905, p. 359.)

Sec. 16. (8171-S.) Officers of Consolidated Districts.—The officers of each consolidated school district shall be a director, a clerk and a treasurer, who shall constitute a district board and who shall be elected, and hold their respective offices as follows: At the meeting provided for in Section 8170 of this act, there shall be elected a director who shall hold his office until the third annual meeting thereafter, and a clerk who shall hold his office until the first annual meeting thereafter, and thereafter at each annual meeting there shall be elected one member of the board in place of the outgoing member who shall hold his office for three years and until his successor is elected and qualified: Provided, That where more than two districts unite not more than one member of the board shall be elected from the territory of any one of the disorganized districts. (L. 1895, p. 360.)

Sec. 17. (8172-S.) Board—Powers and Duties of.—The powers and duties of the district board herein provided and of its several officers shall be the same as those provided by law for school district boards and their several officers, and in addition, it shall be the duty of said district board to provide transportation to and from school for all pupils living one and one-half miles or moer therefrom, in suitable vehicles of ample size, with comfortable seats arranged to conform to the sizes of the pupils to be carried with an adjustable cover for the comfort and protection of the pupils, drawn by stout, gentle teams and driven by adult persons of good moral character, who shall have control of said pupils during their transportation. (L. 1905, p. 360.)

Sec. 18. (8173-S.) Bonded Indebtedness.—If any school district uniting to form a consolidated district shall have, at the time of its disorganization a legally bonded indebtedness, such indebtedness shall attach to and become a charge against the territory comprised in such disorganized district at the time of the disorganization, and it shall be the duty of the county commissioners of the county or counties in which such territory is located to cause annually to be levied upon the property real and personal in such disorganized territory, a tax sufficient to meet the interest and provide a sinking fund for the payment of such indebtedness: Provided, That the assets and property of any disorganized district having an indebtedness shall first be applied in payment of its floating indebtedness, if any, and then its bonded indebtedness, and the residue, if any, shall belong to the consolidated district. (L. 1905, p. 360.)

Sec. 19. (8174-S.) Disorganized District—Property of.—The school property of the disorganized districts shall, upon the organization of the consolidated district, become the property of said district except as hereinbefore provided, and the district board of said district is hereby authorized to dispose of said property to the best interests of said districts. (L. 1905, p. 361.)

Sec. 20. (8175-S.) Annual Meeting.—The annual meeting of said consolidated district shall be held on the same date as fixed by law for holding the annual school meetings of each year at the school house belonging to said district, at two o'clock p. m., and they shall have such powers and duties as are by law provided for annual school district meetings. (L. 1905, p. 361.)

Sec. 21. (8176-S.) Laws Applicable.—In all matters relating to consolidated school districts not provided for in this act, the law relating to school districts shall be in force where said laws are applicable. (L. 1905, p. 361.)

Sec. 27. (8177.) Consolidated Districts.—A consolidated district, when formed, shall be known as Consolidated School District No., County of, State of Oklahoma, and shall be a body corporate with power to sue and be sued. (L. 1905, p. 362.)

ARTICLE XIII.

Normal Institutes.

SECTION

1. Annual Institute.
2. Conductor and Instructor.
3. Fees and Expenses.
4. Custodian of Fund.
5. Superintendent's Reports.
6. Disbursements.
7. Moneys not Paid—Except When.
8. Certificates Renewed.

SECTION

9. Superintendents not Conductors—Where.
10. Union Institutes.
11. Negro Teachers—Separate Institute.
12. Annual Reports.
13. Conductor's Reports.
14. Conductor's Failure to Report.
15. Superintendent Violating this Act.

Sec. 1. (8178-S.) Annual Institute.—The county superintendents of public instruction shall hold annually in their respective counties, for a term of not less than two weeks nor more than four weeks, ending on the last Friday of June, July or August, a normal institute for academic and professional instruction of teachers, and those desiring to teach: Provided, That two or more counties may be united in holding one normal institute each year, as hereinafter provided. (L. 1907, p. 675.)

Sec. 2. (8179-S.) Conductor and Instructor.—The county superintendents of public instruction shall determine the time, length of term and the place of holding their annual sessions, in conformity with section 8178 hereof; and shall select and employ a conductor and instructors for the same: Provided, That all such contracts for conductor and instructors shall be approved by the State superintendent of public instruction before such contracts are valid. (L. 1907, p. 675.)

Sec. 3. (8180-S.) Fees and Expenses.—To defray the expenses of such institute sessions the county superintendents of public instruction shall require the payment of a uniform fee of not less than one dollar nor more than three dollars by each person enrolled in said institute; that they shall further require the payment of the fee of two dollars by each applicant for a teacher's certificate; and, that in addition to such sum, the county commissioners shall, upon recommendation of the county superintendents of public instruction, allow a sufficient sum, not to exceed two hundred dollars (\$200.00) for each institute, to be paid out of any fund of the county not otherwise appropriated. (L. 1907-8, p. 675.)

Sec. 4. (8181-S.) Custodian of Fund.—The sum thus created shall be designated the "Normal Institute Fund," and the county treasurer shall be the custodian thereof. (L. 1907-8, p. 676.)

Sec. 5. (8182-S.) Superintendent's Reports.—The county superintendents of public instruction shall, at the close of each regular teacher's examination, and at the close of each teachers' normal institute, transmit to the county treasurer all moneys received by said superintendents, as provided in section 8180 of this act, together with the name of each person so contributing, the amount in each case, and the county treasurer shall place all moneys to the credit of the normal institute fund. (L. 1907-8, p. 676.)

Sec. 6. (8183-S.) Disbursements.—All disbursements of the normal institute fund shall be upon written order of the county superintendents of public instruction, and no order shall be drawn upon said fund, except as accompanied by a written and itemized statement of services rendered or expenses incurred, and no order shall be drawn in favor of the county superintendents of public instruction themselves. (L. 1907-8, p. 676.)

Sec. 7. (8184-S.) Moneys Not Paid Except When.—No county superintendents of public instruction shall pay moneys from the before mentioned fund to any conductor or instructor unless the said conductor or instructor shall have first received an institute certificate from the State board of ex-

aminers: Provided, That all certificates issued by the State board of education shall be valid for the remainder of the term for which issued when same shall have been examined and approved by the State superintendent of public instruction. Provided, Further, That no county superintendent shall employ, or pay moneys from the normal institute fund to any conductor or instructor who draws salary from the federal or State government. (L. 1907-8, p. 676.)

Sec. 8. (8185-S.) Certificates Renewed.—County superintendents of public instruction shall require both the academic and professional branches to be taught in each institute session and all of them as outlined in the normal institute course of study for this State, or as ordered by the State superintendent of public instruction, and in the manner prescribed by him. County superintendents shall renew certificates of all teachers holding valid certificates to teach in the schools of this State under the laws thereof who during the validity of their certificates, have attended as bona fide participants therein the sessions of the county teachers institutes called by the county superintendents of public instruction and without examination the certificates held by teachers thus attending shall be renewed once, for a time equal to the original term of validity of said certificates, when the fact of such attendance shall have been properly and duly certified to the authority renewing such certificate: Provided, That teachers whose certificates are to be extended and held valid under the provisions of this act shall in no case have their certificates extended unless said teachers shall have attended at least 75 per cent of the sessions of the county teachers' institute: Provided, Further, That in no instance shall teachers have their certificates renewed under the provisions of this act who have not made a general average of at least 75 per cent in the last examination for teachers' certificates at which they were examined; and Provided, Further, That in no instance shall a certificate be extended under the provisions of this act where the teacher holding said certificate has failed to teach for at least three months in the schools of this State each year during the validity of his or her certificate. (L. 1907-8, p. 676.)

Sec. 9. (8186-S.) Superintendents Not Conductors.—Where.—County superintendents of public instruction shall not serve as conductors or instructors in institutes in which their counties are interested, unless they have first met the requirements set forth in section 8189 of this act, and that in no case shall they draw pay for services as conductor in their own counties. (L. 1907-8, p. 677.)

Sec. 10. (8187-S.) Union Institutes.—By and with the consent of the State superintendent of public instruction, two or more counties may unite in holding one normal institute each year, in one of the counties so uniting; that the county superintendent of public instruction of the counties so uniting shall agree upon the time, place and length of term of such normal institute, as hereinbefore provided, but that none of them shall be the conductor or instructor of such institute session, except as provided in Section (8186) hereof, and that none of such superintendents of public instruction of any of the counties so forming such joint normal institutes, shall be eligible to draw as salary, or otherwise, any moneys from such normal institute fund; and that the county treasurer of the county in which such joint normal institute is held, shall be the legal custodian of such fund for that session; and that the county superintendent of public instruction of the county in which such joint normal institute is held shall draw and sign all orders upon such fund for the joint session of such normal institute; and that the county commissioners in each of said counties so uniting, shall be subject to the provisions of Section (8180), except that they shall not appropriate to the normal institute fund to exceed one hundred dollars (\$100.00) from each,

of said counties so united; and that, at the close of such joint normal institute session, each county treasurer shall again be the custodian of all such funds in his county; and that no contracts shall be entered into by any two or more county superintendents for a period longer than two years, but that at the end of each two years such contracts may be renewed as hereinbefore provided. (L. 1907-8, p. 677.)

Sec. 11. (8188-S.) Negro Teachers—Separate Institutes.—All teachers of the negro race shall attend separate institutes from those for teachers of the white race, and in all counties where the number of teachers, of either race, is less than twenty-five desiring to attend such institute, they shall have the right and privilege to attend any institute for their race, or to be united with the teachers of their race in any other adjacent county, under the provisions of Section (8187) and that they be given equal facilities with the other race, in such county or counties, and their conductor and instructors shall be of their own race, pay their own conductor and instructors and that they shall receive their pro rata of all appropriations made by the county commissioners for institute fund in their county or counties, according to the actual attendance thereof. (L. 1907-8, p. 678.)

Sec. 12. (8189-S.) Annual Reports.—The county superintendents of public instruction of the respective counties of Oklahoma shall annually make a complete report to the State superintendent of public instruction, on blanks provided for the same and furnished by him, all data relative to institutes; as, exact time of holding the session, length of the term, place—town and county—name of conductor and instructors, and any other information required by State superintendent of public instruction, which report must be filed at the capital not later than the first Friday of April of each year. (L. 1907-8, p. 678.)

Sec. 13. (8190-S.) Conductors' Reports.—All conductors of teachers' institutes in the respective counties of this State, shall, at the close of such session, and before full compensation for such work is received, make out in duplicate form a full and complete report of such sessions, embracing the following facts; date of opening and closing such sessions, enrollment fee, number of members enrolled with their names, ages, sex, classification, grade, normal institute grade, experience in months, and any other facts required by the State superintendent; also the name of the conductor and instructors, the date of issue and expiration of institute certificates, salary, and other compensation received, copy of the daily program used, and a certified statement to the effect that the normal institute course of study and the instructions of the state superintendent were followed both in word and in spirit during such session together with any recommendations or suggestions to said State superintendent tending to the betterment of the course of study of the work for the succeeding institute year of June, July or August. A copy of this report shall be filed by such conductors immediately at the close of such institute session with the respective county superintendents, to become a part of their office record, and a duplicate copy shall be transmitted by mail by such conductors to the state superintendent of public instruction to become a part of his office record on the same. (L. 1907-8, p. 679.)

Sec. 14. (8191-S.) Conductor's Failure to Report.—Any conductor who shall fail to comply with all the provisions of this act shall be subject to the revocation of his normal institute certificate by the State superintendent of public instruction of this State. (L. 1907-8, p. 679.)

Sec. 15. (8192-S.) Superintendent Violating This Act.—Any county superintendent who shall in any manner violate the provisions of this act, upon conviction thereof shall be guilty of a misdemeanor, and for the second offense may be removed as is provided by law. (L. 1907-8, p. 679.)

Sec. 16.—Art. 9, of Chap. 73, of the Statutes of 1893, and Art. 10, of Chap. 33, of the Session Laws of 1905, are hereby expressly repealed, and all other acts and parts of acts in conflict herewith are repealed. (L. 1907-8, pp. 679-680.)

ARTICLE XIV.

Separate Schools.

SECTION

1. Maintain Separation.
2. "Colored" Defined.
3. Separate Officers.
4. Different Colored Children at same School—Teacher Fined.
5. Private Institutions—for Mixed Pupils—Misdemeanor.
6. Instructor in Same—Penalty.
7. Mixed Attendance—Pupils Fined.
8. Separate Schools Established—Tax Levy.
9. No Separate Schools—When.
10. Children Transferred—When, etc.
11. County Superintendents report to County Commissioners.

SECTION

12. County Commissioners—Duties of—Advertising for Bids—Letting Contract.
13. Furniture and Equipment.
14. School Funds.
15. School Board to Employ Teachers.
16. Teachers—How Paid—School Buildings and Sites—Repairs—How Made.
17. District Boards to Settle with Commissioners—When—Penalty for Non-Settlement.
18. District Clerk, County Clerk and County Treasurer to Keep Records.

Sec. 1. (8193-S.) Maintain Separation.—The public schools of the State of Oklahoma shall be organized and maintained upon a complete plan of separation between the white and colored races with impartial facilities for both races. (L. 1907-8, p. 694.)

Sec. 2. (8194-S.) "Colored" Construed.—The term "colored" as used in the first Section shall be construed to mean all persons of African descent who possesses any quantum of negro blood, and the term "white" shall include all other persons. The term "public school" within the meaning of this act, shall include all schools provided for or maintained in whole or in part at public expense. (L. 1907-8, p. 694.)

Sec. 3. (8195-S.) Separate Officers.—That whenever there shall be established and maintained a separate school, a separate board of school officers shall be elected and chosen for the management of each school as is provided for by law for the election of other school officers. In districts having separate school boards, the electors of each separate race shall meet as now provided by law at their respective schools for which said directors are to be elected and the electors of one race shall not participate in any election pertaining to the schools of the other race. (L. 1907-8, p. 694.)

Sec. 4. (8196-S.) Colored Children and Mixed Attendance—Teacher's Fine.—Any teacher in this state who shall willfully and knowingly allow any child of the colored race to attend a school maintained for the white race, or to allow any white child to attend a school maintained for the colored race shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars, and his certificate shall be cancelled and he shall not have another issued to him for a period of one year. (L. 1907-8, p. 694.)

Sec. 5. (8197-S.) Private Institutions—For Mixed Pupils—Misdemeanor—It shall be unlawful for any person, corporation, or association of persons to maintain or operate any college, school or institution in this State where persons of the white and colored races are both received as pupils for instruction, and any person or corporation who shall operate or maintain any such college, school or institution in violation hereof, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, and each day such school, college or institution shall be open and maintained, shall be deemed a separate offense. (L. 1907-8, p. 695.)

Sec. 6. (8198.) Instructor in Same—Penalty.—That any instructor who shall teach in any school, college or institution where members of the white race and colored race are received and enrolled as pupils for in-

struction, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars for each offense, and each day any instructor shall continue to teach in any such college, school, or institution shall be considered a separate offense. (L. 1907-8, p. 695.)

Sec. 7. (8199-S.) Mixed Attendance—Pupils Fined.—It shall be unlawful for any white person to attend any school, college or institution where colored persons are received as pupils for instruction; and any one so offending shall be fined not less than five dollars nor more than twenty dollars for each offense, and each day such a person so offends as herein provided, shall be deemed a distinct and separate offense: Provided, That nothing in this act shall be so construed as to prevent any private school, college or institution of learning from maintaining a separate and distinct branch thereof in a different locality. (L. 1907-8, p. 695.)

Sec. 8. (8200-S.) Separate Schools Established—Tax Levy for Maintenance.—In all counties separate schools for white and colored children are hereby established and such schools shall be permanently maintained and the board of county commissioners shall annually levy a tax on all taxable property in their respective counties, sufficient to maintain said separate schools as hereinafter provided; said taxes shall be estimated, published, levied and collected in the same manner as other taxes for county purposes and in school districts where such separate schools are maintained no white child shall attend a colored school or colored child attend a white school. (L. 1901, p. 205.)

Sec. 9. (8201-S.) No Separate Schools—When.—That in any school district in such county, having both white and colored children of school age, where the number of such children, either white or colored, does not exceed ten, and they can be transferred to schools of their own color in adjoining districts as hereinafter provided, no separate schools shall be maintained. (L. 1901, p. 205.)

Sec. 10. (8202.) Children Transferred to Adjoining District—When—County Superintendent—Duties of.—When either the white or colored children of school age in any such school district, having both white and colored children of school age, who do not exceed ten in number, the county superintendent of schools of such county, shall transfer the white or colored children that are the fewer in number, to the nearest school of their own color in some adjoining district, when the same can be done with the consent of their parents, guardians or custodians; or without such consent, when any such children can be so transferred without compelling them to travel more than two and one-half miles to attend such school. And when any child is so transferred to another school under the provisions of this act, the county superintendent shall apportion its per capita of all school revenue, except local school district tax and county separate school fund, to the school district to which it is transferred, and such children shall have all the rights and privileges in the school to which it is transferred, that are enjoyed by children resident in such district. (L. 1901, p. 205.)

Sec. 11. (8203-S.) County Superintendent—Report to County Commissioners.—That immediately after the passage and approval of the act, the county superintendent of schools in each county shall ascertain what districts of his county have separate schools for white and colored children, the number of such children of each color of each district; and further ascertain the districts, if any, maintaining separate schools that have not erected school houses for both white and colored children, and report the same to the board of county commissioners of his county, and in like manner report such facts, when any other district in his county may desire to establish such separate schools. (L. 1901, p. 206.)

Sec. 12. (8804.) County Commissioners—Duties of—Advertisement for Bids—Letting Contract.—If upon the receipt of such report the board of county commissioners of such county find from such report, or any other legal evidence that they may desire to consider, that any of such districts so maintaining or that are entitled under this act or existing law, to maintain separate schools for white and colored children have not furnished or acquired a school building for that class of children, either white or colored, that are fewer in number in said district, and that such children cannot be transferred to adjoining districts as provided herein, then such board of county commissioners shall cause the county superintendent of schools of such county to file with them a statement in writing, with the specifications of the kind of school house needed by the class of children that are fewer in number in said district; and when such board of county commissioners have settled the plans and specifications for such building, suitable in their judgment for such purpose, they shall advertise for bids for the construction of such building by notice posted in such district and published at least four consecutive weeks in a newspaper published in such county, if any be published therein, and if no newspaper be published in such county, then by posting public notices in said school district, and at five other public places in said county; and such contract shall be let to the lowest bidder in the same manner as other contracts are let, and the board of county commissioners shall take proper bonds for the performance thereof. Such building, when completed and accepted by such board of county commissioners shall be paid for by them by warrants drawn by them on the separate school fund of such county. (L. 1901, p. 206.)

Sec. 13. (8205-S.) Furniture and Equipments.—The school districts shall furnish all schools with the same kind of furniture and equipments and give equal school facilities to both white and colored children at the expense of such school district, except as otherwise provided in this act. (L. 1901, p. 207.)

Sec. 14. (8206-S.) School Funds.—That all school funds except the county separate school fund apportioned to such district shall be carried to the regular account of such district. (L. 1901, p. 207.)

Sec. 15. (8207-S.) School Board to Employ Teachers.—The school board of such district shall employ all teachers, furnish equal school terms for all schools in their districts with teachers with equal qualifications as far as practicable; but no white person shall teach a colored school, or colored person teach a white school. (L. 1901, p. 208.)

Sec. 16. (8208-S.) Teachers—How Paid—School Buildings and Sites—Repairs, Etc.—The teachers of the schools for that class of children, either white or colored, that are fewer in numbers in any district having separate schools shall be paid out of the county separate school fund; and for such purpose the school district board shall draw their warrant on the county clerk of their county in favor of the teachers of such separate schools in such districts and the county clerk shall draw his warrant on the county treasurer for such amount, which shall be paid out of the separate school fund of such county in the order of its registration and presentation: Provided, However, The county clerk shall not draw on said separate school fund for any greater amount for teachers employed for any district than is paid the like number of teachers for the like time by the school district for teaching in the other schools of said district: Provided, That no contract shall be let or allowance be made for building such house in any sum in excess of the moneys or bonds of such district expended for the building of a school house in such district for the children of the other class: Provided, Further, That such school house so built by

the county may be built in any part of said district which in the judgment of the board of county commissioners will be most convenient to the greatest number of children for whom it is intended; and for such purpose, such board of county commissioners may receive title to a proper school site, by gift, purchase, or proceedings to condemn the same in the same manner and with like effect as when such actions are brought by school districts.

Such county shall not be at any other or further expense on account of such building; but the school district, at its own expense, shall keep such house in repair and rebuild the same if destroyed. The county shall be at no expense on account of school houses, or repairing, where districts at the passage of this act have school house or houses for that class of children, white or colored, that are the fewer in numbers in such district. (L. 1901, p. 208.)

Sec. 17. (8209-S.) District Boards to Settle With County Commissioners—When—Failure to Make Settlement—Penalty.—That at the regular April meeting, each year, of the board of county commissioners, the school district boards of all school districts maintaining separate schools for white and colored children shall make a settlement with the board of county commissioners of their counties, which settlement shall show the amount of money drawn for them out of such separate school fund and such other facts as the board of county commissioners may desire to know, and file therewith a statement of their needs for the ensuing year; and any school board that fails to make such settlement before the time to estimate the levy for annual taxes, shall be required to pay their own expenses, of all kinds for separate school for the next ensuing year. (L. 1901, p. 209.)

Sec. 18. (8210-S.) District Clerk, County Clerk, and County Treasurer to Keep Records.—The school district clerk, county clerk and county treasurer shall keep proper and full records showing the condition of such separate school fund, and each of such officers shall preserve all vouchers, warrants and other orders pertaining to such fund and belonging to their respective offices. (L. 1901, p. 209.)

ARTICLE XV.

Teachers and Certificates.

SECTION

1. County Examiners.
2. Examinations.
3. Grades of Certificates.
4. First Grade.
5. Second Grade.

SECTION

6. Third Grade.
7. Certificates — Grades — When Valid.
8. Temporary—When Granted.
9. Issuing—Providing Penalty.

Sec. 1. (8211-S.) County Examiners.—In each county there shall be a board of county examiners composed of the county superintendent, who shall be ex-officio chairman of the board, and two competent persons, holders of first grade certificates, or of State certificates, or of diplomas from some State University, Normal or Agricultural College, who shall be appointed by the county superintendent and shall serve from the time of their respective appointments until their successors are appointed and each of whom shall receive for his services the sum of three dollars per day, not to exceed five days in any one quarter of the year. (L. 1903, p. 255.)

Note.—This means that each one of the three members is entitled to remuneration at the rate of three dollars per day.

Sec. 2. (8112-S.) Examinations.—The board, two of whom shall constitute a quorum, shall on the the last Thursday and Friday of January, October, April and at the close of the county normal institute only at such places as may be designated by the chairman (who shall give ten days notice of examination) publicly examine all persons proposing to teach in the public schools of the county as to their competency to teach in the branches prescribed by law and such board of examiners shall issue certificates as hereinafter provided, to all such applicants as shall pass the required examination and satisfy the board as to their good moral character and their ability to teach and govern successfully. (L. 1905, p. 367.)

Sec. 3. (8213-S.) Grades of Certificates to be Issued.—Certificates issued by the county board shall be of three grades, first, second and third, and shall continue in force respectively three years, two years and one year. (S. 1903, S. 5816.)

Sec. 4. (8214-S.) First Grade Certificates.—Certificates of the first grade shall certify that the person to whom issued is proficient in and fully qualified to teach orthography, reading, writing, English grammar, composition, geography arithmetic, United States history, bookkeeping, physiology and hygiene, the theory and practice of teaching, civil government, elements of natural philosophy; and shall not be issued to persons under twenty years of age, nor to such as have not taught successfully twelve school months; Provided, That no person who receives a first grade certificate shall make a general average of less than ninety per cent, and in no case shall a person receive a certificate of the first grade who shall fall below seventy per cent in any one branch. (L. 1897, p. 273.)

Further Amended by Laws of 1908—S. B. 109 as follows:

After July 1st, 1909, no person shall teach and no certificate will be granted to an applicant to teach, in the public schools receiving aid from this State, who has not passed a satisfactory examination in the elements of agriculture and allied branches mentioned in this Act. (L. 1908—S. B. No. 109, p. 15.)

Note I. According to Sec. 2 of S. B., No. 109, of the Laws 1908, the allied branches are horticulture, animal husbandry, stock raising, forestry, building country roads; and domestic science including the elements of economics. (See Laws of 1908, page 14, Sec. 2.)

Note. II. The State board of education recommends that the examination in U. S. history be made to include Oklahoma history and that civil gov-

ernment be made to include Oklahoma constitution. The board also recommends that public school music and drawing be added to the list of requirements for certificates of all grades. The subjects of agriculture and domestic science are required for all grades of certificates. (By S. B. 103, L. 1908.)

Sec. 5. (8215-S.) Second Grade.—Certificates of the second grade may be issued to persons not less than eighteen years of age, who shall fully satisfy the board as to their ability to teach all the branches prescribed for first grade certificates, except bookkeeping and the elements of natural philosophy, and who have taught successfully three school months: Provided, That no person who receives a second grade certificate shall make a general average of less than eighty per cent, and in no case shall a person receive a certificate of the second grade who falls below sixty per cent in any one branch. (L. 1897, p. 274.)

Sec. 6. (8216-S.) Third Grade.—Certificates of the third grade shall certify that the person to whom issued is not under sixteen years of age and is proficient in and fully qualified to teach all the branches prescribed for a second grade certificate except civil government, and has made an average of not less than seventy per cent, and not below fifty per cent in any one branch, and no third grade certificate shall be issued more than twice to the same person. (L. 1897, p. 274.)

Sec. 7. (8217-S.) Certificates—Grades—Where Valid.—That no third grade certificate shall be in force except in the county in which it is issued: Provided, That the county superintendent shall endorse the unexpired first grade certificate issued in any other county and all second grade certificates shall be endorsed by the county superintendent of any county adjoining the county in which said second grade certificate was issued, which certificate shall thereby be valid in the county in which such endorsement is made for the unexpired term of the certificate. A certificate issued under this Act may be revoked by the board of examiners on the ground of immorality or for any other cause that would have justified the withholding thereof, when the same was granted. (L. 1907-8, p. 688.)

Note.—This repeals the former laws on the subject of indorsing certificates. The fee for indorsement is two dollars.

Sec. 8. (8218-S.) Temporary Certificates.—The county superintendent upon request made in writing by any district board, and after satisfying himself by examination of the ability or proficiency of the applicant, may grant a temporary certificate in case of necessity, valid only in the designated district, and valid only until the next regular examination by the county board of examiners: Provided, That no such temporary certificate shall be granted to any applicant who has failed in examination at any regular meeting of the board, nor shall such certificate be granted twice to the same person: Provided, Further, That the county superintendent shall not be compelled to charge for the issuance of temporary certificates. (L. 1897, p. 274.)

Note.—The fee for temporary certificates should not exceed two dollars.

Sec. 9. (8219-S.) Issuing Certificates Unlawfully—Penalty.—No certificate shall be issued by any county board or county superintendent, except upon examination as provided in this act, and the county superintendent or the county board of examiners who violate any of the provisions of this act by issuing a certificate except as provided in this act, shall be deemed guilty of a misdemeanor and upon conviction fined in the sum of not less than one hundred dollars nor more than five hundred dollars. (L. 1893, S. 5822.)

Sec. 10. Renewal of Certificates, See Art. XIII., Sec. 8, Normal institute.

ARTICLE XVI.

Compulsory Education.

SECTION

1. What Unlawful—Duty of Parent.
2. Duty of Board of Education Report.
3. Where Parent is Indigent.

SECTION

4. Widowed Mothers.
5. Violation—Penalty.

Sec. 1. (8220-S.) What Unlawful—Duty of Parent.—It shall be unlawful for any parent or guardian living in the State of Oklahoma, to neglect or to cause, or compel any person or persons who are, or may be, under their control as children or wards, to attend and comply with the rules of some public, private or other school or schools, unless other means of education are provided for a term of from three to six months, in the discretion of the school district board or boards of education of cities of the first class, the term to be fixed by general order at the annual school meeting, which shall apply to all children in the district, each successive year from the time said children or wards are eight years old until they are sixteen years old, unless they are prevented by mental or physical disability; the question of disability being determined by the board; or by a certificate to that effect from a duly licensed and practicing physician, or by reason of having already become proficient in the standard studies from attendance upon such private, public or other school or schools and provided that in such case they shall be excused by the superintendent of a public, private or other school or by the board of education of the school district in which said children or wards may live at the time of such failure to attend such public, private or other school or schools. (L. 1907-8, p. 393.)

Sec. 2. (8221-S.) Duty of Board of Education.—It shall be the duty of the board of education of each school district to furnish to the superintendent of all public, private or other schools in cities, or the teachers in other districts, at the beginning of the first term of each school, a list containing the names of all the children residing within the district who are between eight and sixteen years of age, and to require a report from the superintendent of all public, private or other schools in cities, or the teachers in other districts, not less than fourteen nor more than twenty-six weeks before the close of the last term of school for the year; which report shall contain the names of all the children between eight and sixteen years of age who have attended said school and the period of such attendance. Immediately upon receipt of this report, the board of education shall give written notice to the parent, guardian or custodian of such child, or children, who have not complied with the provisions of this act; that the attendance of such child or children is required at some public, private or other school; and if within five days such parent, guardian or custodian of such child or children does not comply with the provisions of this act, then the board of education shall make complaint against such parent, guardian or custodian of such child or children, before any justice of the peace, or other court having competent jurisdiction, for the violation of the provisions of this act: Provided, That in cities or incorporated towns or villages the board of education may appoint one or more truant officers whose duty it shall be to enforce the provisions of this act in the manner provided herein. (L. 1907-8, p. 393.)

Sec. 3. (8222-S.) When Parent is Indigent.—If any parent, guardian or custodian of any child or children is financially unable to furnish such child or children with the necessary books with which to attend school, then the county superintendent of public instruction of the county where such parent or guardian or custodian resides, shall furnish upon the rec-

ommendation of the school district board, or board of education of cities of the first class, books for such purpose to such child or children, which books shall be furnished and paid upon the certificate of such officer by the board of county commissioners of said county. (L. 1907-8, p. 394.)

Sec. 4. (8223-S.) Widowed Mothers.—If any widowed mother shall make affidavit to the effect that the wages of her child or children, under sixteen years of age are necessary to the support of such widowed mother, then the county superintendent of public instruction may, after careful investigation, in his discretion, upon the recommendation of the school district board, or boards of education of cities of the first class, furnish such child or children a certificate called a scholarship, stating the amount of wages such child or children are receiving, or so much of such wages as shall be deemed necessary so long as such child or children shall attend the public school in accordance with the provisions of this act; which aid may be allowed and paid upon the certificate of such county superintendent of public instruction to the child or children holding such scholarship, by the board of county commissioners of the county in which such child or children reside. (L. 1907-8, p. 394.)

Sec. 5 (8224-S.) Violation—Penalty for.—Any person or persons violating the provisions of this act shall be subject to a fine of not less than ten dollars nor more than fifty dollars for each and every offense; said fine shall be imposed by any court having jurisdiction, and all fines so collected shall be placed in the common school fund of the district wherein the child or children reside, as other fines and penalties are paid. (L. 1907-8, p. 395.)

ARTICLE XVII.

Miscellaneous.

SECTION

1. Three Months School.
2. Justices Shall Have Jurisdiction.
3. Penalty for Destroying Property.
4. Tax Levy for Library Fund—Duties of the Board.
5. List of Books Furnished.
6. U. S. Flag to be Displayed.
7. Board of Education shall Purchase.
8. Violation—Penalty for.
9. Teaching Ethics.
10. Humanity.
11. Vivisection Prohibited.
12. Duty of School Officers.

SECTION

13. Penalty.
14. Distance.
15. Consent of School Board.
16. Consent of Adjoining Districts.
17. County Superintendent.
18. Money Appropriated.
19. Notice to County Clerk.
20. Apportion School Tax.
21. Temporary Transfer.
22. One Year.
23. Sinking Fund.
24. Violation of Act—Misdemeanor.

Sec. 1. (8225-S.) Three Months' School.—That in all school districts where there is a good and sufficient school building a school shall be maintained for a period of not less than three months between the first day of October and the first day of June in each year. (S. 1893, S. 5888.)

Sec. 2. (8226-S.) Justices Shall Have Jurisdiction.—Justices of the peace shall have jurisdiction in all cases in which a school district is a party interested when the amount claimed by the plaintiff does not exceed his jurisdiction as provided by statute, and the parties shall have the right of appeal as in other cases, and all fines and penalties not otherwise provided for in this act, shall be collected by an action in any court of competent jurisdiction. (S. 1893, S. 5894.)

Sec. 3. (8227-S.) Penalties for Destroying Property.—Every person who shall willfully injure or destroy any building used as a school house or for other educational purposes, or any furniture or apparatus thereto belonging, or who shall deface, mar or disfigure any such building, furniture or fixtures by writing, painting, cutting or pasting thereon any likeness, figures, words or devices, shall be fined in a sum not less than ten nor more than fifty dollars for each offense above named to be in addition to, and not in lieu of, the punishment provided by the statute regulating crimes for such offenses, and all fines so collected shall be paid into the county treasury for the support of the common schools. (S. 1893, S. 5895.)

Sec. 4. (8228-S.) Tax Levy for Library Fund—Duties of the Board.—That hereafter, at the time provided by law for making and certifying the annual levy for taxes for school purposes each year, except as hereinafter provided, the district board of each school district and the board of education of each city or town in Oklahoma, shall designate, set apart and appropriate out of the district fund, a sum of money as a library fund, to be used in the purchase of books and periodicals for a public library for such district, city or town, as follows: In districts employing one teacher, not less than five nor more than ten dollars each year; in districts employing more than one and less than four teachers, not less than ten nor more than twenty-five dollars each year; in districts employing more than three teachers, not less than twenty-five nor more than fifty dollars each year; cities of the first class, not less than fifty nor more than one hundred dollars each year. The board of education of each city or town, and the district board of each school district, except as hereinafter provided, shall certify the appropriation herein provided to the county clerk, and the county clerk shall note the appropriation on the tax rolls and certify the same to the county treasurer, and he shall set apart the sum so designated to the credit, of the district, city or town appropriating the same, as a library fund: Provided, That districts in which the maximum levy, together with all other

school funds do not yield a revenue sufficient to support a four months' term of school, during any school year, shall not be subject to the provisions of this act. (L. 1899, p. 228.)

Sec. 5. (8229-S.) List of Books Furnished.—The county board of examiners of each county shall, within thirty days after the passage of this act, furnish each county superintendent in Oklahoma a list of reference and literary books, together with the list price of each, and the price at which they may be purchased, as near as possible, which list shall designate the order of purchase and shall govern the order of purchasing, so far as the funds will permit, and the county superintendent shall, within thirty days thereafter, mail to the secretary of each district board in their respective counties the list of books furnished as herein provided, together with prices and other information and instruction for carrying out the provisions of this act. The county board of examiners shall, at periods of not longer than two years thereafter, furnish additional lists of suitable books and periodicals to be a guide to future purchases by district boards. All purchases under this act shall follow the order given by the county board of examiners so far as the funds will permit, unless the lists include books already in the library of such school. No district board, or board of education, shall contract or pay in warrants, or otherwise, more than the lowest wholesale price of the books purchased under this act, and any and all warrants issued in excess of this sum shall be void as to the excess. (L. 1899, p. 228.)

Sec. 6. (8230-S.) U. S. Flags to be Displayed.—Every board of education of every school district board within this State shall be required to own and display within the school house a United States flag. (L. 1905, p. 368.)

Sec. 7. (8231-S.) Board of Education Shall Purchase.—Every school district board or board of education shall purchase said flag described in Section one of this act with any moneys derived for school purposes not otherwise specifically appropriated. (L. 1905, p. 369.)

Sec. 8. (8232-S.) Violation—Penalty for.—Any person charged with the duty imposed by this act who shall fail to comply with the requirements of the same, or shall violate this law, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than one hundred dollars. (L. 1905, p. 369.)

Sec. 9. (8233-S.) Teaching Ethics.—That in each and every public school it shall be the duty of each and every teacher to teach morality in the broadest meaning of the word, for the purpose of elevating and refining the character of school children up to the highest plane of life; that they may know how to conduct themselves as social beings in relation to each other as respects right and wrong and rectitude of life, and thereby lessen wrong-doing and crime. (L. 1905, p. 378.)

Sec. 10. (8234-S.) Humanity.—In each and every public school, in addition to the other branches of study now prescribed, not less than one-half hour of each week, during the whole of each term of school, shall be devoted to teaching the school children attending said school kindness to and humane treatment and protection of dumb animals and birds; their lives and usefulness, and the important part they are intended to fulfill in the economy of nature, and such studies on the subject as the board of public education may adopt. (L. 1905, p. 378.)

Sec. 11. (8235-S.) Vivisection Prohibited.—That no experiments upon any living creature shall be permitted in any public school within the State of Oklahoma. (L. 1905, p. 379.)

Sec. 12. (8236-S.) Duty of School Officers.—It shall be the duty of the superintendent of public instruction for Oklahoma, the superinten-

dent of public instruction of each county, the superintendent of public schools of each city, and the principal of each and every public school in said State to see that the provisions of Sections (8233, 8234 and 8235) of this act are strictly complied with in the public schools under his supervision. (L. 1905, p. 379.)

Sec. 13. (8237-S.) Penalty.—No teacher in the public schools of the State of Oklahoma shall be entitled to receive any portion of the public school moneys as compensation for services, unless such teacher shall have complied with the provisions of this act. (L. 1905, p. 379.)

Sec. 14. (8238-S.) Transfers.—When by reason of too great distance from school or impassability of the roads it is better for scholars in one district to attend school in an adjoining one, a temporary transfer can be made in the following manner: (L. 1905, p. 381.)

Sec. 15. (8239-S.) Consent of School Board.—The consent of a majority of the school board in the home district must be obtained. (L. 1905, p. 381.)

Sec. 16. (8240-S.) Consent of Adjoining Board.—The consent of a majority of the school board in the district to which the parties wish to be transferred must be obtained. (L. 1905, p. 381.)

Sec. 17. (8241-S.) County Superintendent.—When the county superintendent is satisfied that the above conditions are complied with he or she may order the transfer. (L. 1905, p. 381.)

Sec. 18. (8242-S.) Money Appropriated.—When the county superintendent permits the temporary transfer of scholars from one school district to another he must apportion the State, county and district school money appropriated to the person so transferred to the district to which transfer is made. (L. 1905, p. 381.)

Sec. 19. (8243-S.) Notice to County Clerk.—He must also notify the county clerk and county treasurer of the same. (L. 1905, p. 382.)

Sec. 20. (8244-S.) Apportion School Tax.—When the county clerk receives notice of a temporary transfer of scholars from one district to another he must apportion the school district tax to the school district transferred to. (L. 1905, p. 382.)

Sec. 21. (8245-S.) Temporary Transfer.—All temporary transfers of scholars from one district to another must be made at least ten days prior to the annual school meeting. (L. 1905, p. 382.)

Sec. 22. (8246-S.) One Year.—Temporary transfers of scholars from one school district to another shall only be for one year. (L. 1905, p. 382.)

Sec. 23. (8247-S.) Sinking Fund.—If by any reason of bonded indebtedness any school district by this act shall have a sinking fund, the county clerk shall retain in the home district the tax levied for that purpose. (L. 1905, p. 382.)

Sec. 24. (8248-S.) Violation of Act—Misdemeanors.—That any member of any school district board or county clerk or county treasurer who shall violate any of the provisions of this act shall be guilty of misdemeanor and upon conviction shall be punished by a fine of not less than one hundred nor more than five hundred dollars. (L. 1905, p. 382.)

Sec. 25. (8424-S.) Floral Emblem.—That the mistletoe be hereby designated and adopted as the floral emblem of the State of Oklahoma. That this act be immediately in force upon its passage and approval. (S. 1893, S. 5990.)

Sec. 26. (135-S.) Disposition of Estrays—Proceeds for School Fund.—Immediately after the sale of any stray the taker up shall endorse the fact of such sale upon the certificate issued to him by the clerk (county

clerk), and shall return such certificate to the clerk who shall note the fact in connection with the other entries required by this Act to have been previously noted by him in regard to such estray. At the same time the taker-up shall pay into the county treasury, for the use and benefit of the county school fund, one-half of the proceeds of said sale, after first deducting from such proceeds the costs actually incurred by him in making the affidavits, publishing the notices, and in having the county clerk make the entries and issue the certificate required by this Act. (L. 1893, p. 63.)

Sec. 27. (2852-S.) Fines to be Paid Into the School Fund—Amendatory Act.—All fines, forfeitures and pecuniary penalties prescribed as a punishment by any of the provisions of this Chapter (Chap. 25, Art. 59, Sec. 50, Statutes of Oklahoma), when collected shall be paid into the treasury and credited to the school fund of the county where such fines are collected. (L. 1897, p. 141.)

Sec. 28. (3339-S.) Proceeds From Escheats to Go to School Fund.—In all cases where, by reason of the provisions of Section two, Article twenty-two of the Constitution of this State, the title to any real property in the State shall fail to vest in the grantee under any deed, bond, contract, or will, or other instrument of conveyance, or shall fail to vest, in the grantee under any deed, bond, contract or will, or other instrument of conveyance, or shall fail to vest, or be transmitted under any law of inheritance or succession of this State, or where once having vested the holder of such title shall become incapable of returning the same, all such real estate in all such cases shall be subject to escheat to the State of Oklahoma, and the proceeds arising from the sale thereof by the State shall go to the public school fund of such county in which such real estate is situated, less the amount to be fixed by the court where such escheat proceedings are had covering cost of such proceedings including compensation to the person giving information upon which such escheat proceedings may be based and prosecuted. That every transfer made in trust for any such corporation mentioned in said Section two, Article twenty-two of the State Constitution, either secretly or otherwise, made to evade such provision of the Constitution, shall be deemed within the provisions of this Act. (L. 1907-8, p. 388, Sec. 2.)

ARTICLE XVIII.

Arbor Culture.

SECTION

1. Arbor Day.

SECTION

2. School Exercises.

Sec. 1. (39-S.) Arbor Day.—The Friday following the second Monday in March of each year shall be hereafter known throughout Oklahoma as Arbor Day. (L. 1901, p. 62.)

Sec. 2. (40-S.) School Exercises.—It shall be the duty of the authorities of the public schools in this State to assemble the pupils in their charge on that day in the school buildings, or elsewhere, as may be deemed proper, to provide for and conduct, under the general supervision of the county superintendent or city superintendent or other chief officers having the general oversight of the public schools in each county or city, such exercises as shall tend to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results. (L. 1901, p. 62.)

ARTICLE XV.

Teachers and Certificates.

SECTION

10. Normal School Certificates.
11. Normal Diplomas Equivalent to Life Certificates.
12. Diplomas Prior to 1905 Only Five Year Certificates.
13. May Be Re-examined and Indorsed.

SECTION

14. Certificates from C. A. & N. University for Colored People.
15. Diploma a Five Year Certificate.
16. University Diploma a Life Certificate—When.
17. A. & M. Diploma a Permanent Certificate—When.

Sec. 10. (8284-S.) Normal School Certificates.—Each year at the closing session of the Normal Schools an examination shall be held for a first, second and third grade certificate under the direction of the State board of education in each of the Normal schools and such students as shall be found proficient in the branches required shall receive a certificate which shall be valid in any school of the county wherein such school is located: Provided, That all applicants for such certificates shall pay a fee of two dollars which shall be added to the institute fund in the county in which the applicant resides. (L. 1905, p. 307.)

Note.—This is probably amended by Sec. (8214-S.) and by Sec. (8214-S.)

Sec. 11. (8284-S.) Normal Diplomas Equivalent to Life Certificates.—Any student who shall have completed the full course of instruction in any of the normal schools shall receive a diploma which shall be signed by the president of the institution and the president and secretary of the board of regents and such diploma shall be a life certificate valid in any public school of the State. (L. 1905, p. 307.)

Sec. 12. (8300-S.) Diplomas Prior to 1905 Only Five Year Certificates.—Any person having obtained a diploma from the normal school, shall be permitted to teach in any public school for a period of five years from date thereof. (S. 1893, S. 4420.)

Note.—This is repealed by Sec. (8284-S. L. 1905.)

Sec. 13. (8301-S.) May be Re-examined and Indorsed.—At the expiration of every five years, a holder of a normal school diploma may present himself or herself to the State superintendent of public instruction for such examination as may be prescribed and the proper endorsement of said superintendent shall entitle the holder of such diploma to the privilege of teaching in any public school for a period of five years as provided in this Act. (S. 1893, S. 3421.)

Sec. 14. (8339-S.) Certificates From C. A. & N. University for Colored People.—As soon as any one has attended the University twenty-two weeks, said person may be examined in the studies required by law, and if it shall appear that such person possesses the learning and other qualifications necessary to teach a common school, said person shall receive a certificate authorizing him or her to teach a common school. (L. 1897, p. 39.)

Sec. 15. (8347-S.) Diploma a Five Year Certificate.—Any person having obtained a diploma from the normal department of said (C. A. & N.) University, shall be permitted to teach in any common school of the State of Oklahoma for a period of five years from the date thereof, said authority to teach being subject to revocation for any proper and sufficient cause. (L. 1897, p. 41.)

Sec. 16. (8259-S.) University Diploma a Life Certificate—When.—After any person has graduated at the University (at Norman) and after such graduation has successfully taught a public school in this State for 16 school months, the Superintendent of public instruction shall have authority to countersign the diploma of such teacher after such examination as to moral character, learning and ability to teach as to said superintendent may seem proper and reasonable. Any person holding a diploma granted by the board of regents of the University of Oklahoma certifying that the person holding the same is a graduate of said University shall after his diploma has been countersigned by the superintendent of public instruction as aforesaid be deemed qualified to teach any of the public schools of this State and such diploma shall be a certificate of such qualifications until annulled by the superintendent of public instruction. (S. 1893. S. 6154.)

Note.—Two years' training in pedagogy and practice teaching may be accepted in lieu of the experience mentioned above.

Sec. 17 (85-S.) A. & M. Diploma a Permanent Certificate—When.—Any student having completed the regular *four years' course of study of the agricultural and mechanical college and receiving a diploma from said College shall be granted a permanent teacher's certificate of first grade by the State superintendent of public instruction, when application for such certificate has been duly made and approved by the State commission of agricultural and industrial education. (L. 1907-8, p. 17.)

*Note.—The course referred to is the normal course.

ARTICLE XIX.

Regular Holidays.

SECTION

1. Regular Holidays.
2. Additional Ones.
3. Business Day.

SECTION

4. Next Business Day.
5. Labor Day.
6. Governor's Proclamation.

Sec. 1. (2954-S.) Holidays.—Holidays are: Every Sunday, the first day of January, the twenty-second day of February, the fourth day of July, the twenty-fifth day of December, the thirtieth day of May, every day on which an election is held throughout the State, and every day appointed by the president of the United States, or by the governor of this State, for a public fast, thanksgiving or holiday. (S. 1890, S. 2704.)

Sec. 2. (2955-S.) Additional Holidays.—If the first day of January, the twenty-second day of February, the fourth day of July, or the twenty-fifth day of December, falls upon a Sunday, the Monday following is a holiday. (S. 1890, S. 2705.)

Sec. 3. (2956-S.) Business Days.—All other days than those mentioned in the last two Sections, are to be deemed business days for all purposes. (S. 1890, S. 2706.)

Sec. 4. (2957-S.) Next Business Day.—Whenever any act of a secular nature, other than a work of necessity, or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday, such act may be performed upon the next business day, with the same effect as if it had been performed upon the day appointed. (S. 1890, S. 2707.)

Sec. 5. (4065-S.) Labor Day.—The first Monday of September of each year is hereby declared a legal holiday, to be known as Labor Day. (S. 1907-8, Chap. 53, Art. V.)

Sec. 6. (4066-S.) Proclamation.—The governor shall issue his proclamation twenty days prior to each labor day, calling attention to that day, and each mayor of each municipality shall issue their proclamation ten days before labor day. (L. 1907-8, Chap. 53, Art. V.)

ARTICLE XX.

Nepotism Law.

SECTION

1. Unlawful Contracts.
2. Unlawful Warrants.
3. Nepotism a Misdemeanor.
4. Degree of Relationship.

SECTION

5. Penalty for Executives.
6. Forfeiture of Office.
7. Explanation of Terms, Executive, Ministerial, etc.

Sec. 1. (2796-S.) Unlawful Contracts.—Hereafter it shall be unlawful for any executive, legislative, ministerial or judicial officer in the State to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the State, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages, pay or compensation of such appointee is to be paid out of the public funds or fees of office. (L. 1907-8, p. 574.)

Sec. 2. (2797-S.) Unlawful Warrants.—It shall hereafter be unlawful for any such executive, legislative, ministerial or judicial officer mentioned in Section one of this Act, to draw or authorize the drawing of any warrant or authority for the payment out of any public fund, of the salary, wages, pay or compensation to any such ineligible person, and it shall be unlawful for any executive, legislative, ministerial or judicial officer to pay out of any public funds in his custody or under his control the salary, wages, pay or compensation of any such ineligible person. (L. 1907-8, p. 574.)

Sec. 3. (2798-S.) Nepotism a Misdemeanor.—It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint and furnish employment for any person whose services are to be rendered under his direction and control and paid for out of the public funds, and who is related by either blood or marriage within the third degree to any other executive, ministerial or judicial officer when such appointment is made in part consideration that such other officer shall appoint and furnish employment to any one so related to the officer making such appointment. Any such officer who shall violate the provisions of this Section shall be guilty of a misdemeanor and, upon conviction, be punished as provided in Section five of this Act. (L. 1907-8, p. 574.)

Sec. 4. (2799-S.) Degree of Relationship.—Any person related within the third degree by affinity or consanguinity to any member of either the legislative, judicial or executive branch of the State government shall not be eligible to hold any clerkship, office, position, employment or duty in such branch of the State government. (L. 1907-8, p. 574.)

Sec. 5. (2800-S.) Penalty for Executives.—Any executive, legislative, ministerial or judicial officer who shall violate any provision of this Act shall be deemed guilty of a misdemeanor, involving misconduct, and shall be punished by a fine of not less than one hundred nor more than one thousand dollars, and shall forfeit his office. (L. 1907-8, p. 574.)

Sec. 6. (2801-S.) Forfeiture of Office.—Every person guilty of violating the provisions of this Act shall, independently of, or in addition to any criminal prosecution that may be instituted, be removed from office according to the mode of trial and removal prescribed in the constitution or laws of this state. (L. 1907-8, p. 574.)

Sec. 7. (2802-S.) Explanation of Terms—Executive, Etc.—Under the designation executive, legislative, ministerial or judicial officer as mentioned herein are included the governor, lieutenant governor, speaker of the house of representatives, corporation commissioner, all the heads of the departments of this State government, judges of all the courts of this State, mayors, recorders and aldermen of all incorporated cities and towns, public school trustees, officers and boards of managers of the State University, and its several branches, State normals, the penitentiaries and eleemosynary institutions, members of the commissioners court and all other officials of the State, district, county, cities of other municipal subdivisions of the State. (L. 1907-8, p. 574.)

ARTICLE XXI.

Misappropriation of Public Funds.

SECTION

1. Contracts of Municipal Boards; void When
2. Public Officer—Liable, When; Contractor
—Liable When.

SECTION

3. Resident Tax Payer may Maintain Suit
After Written Demand upon Officer.

(Laws 1905.)

Section 1. That no board of county commissioners of any county, nor city council of any city nor board of trustees of any township, town or village, nor any district board of any school district in this State shall make any contract with any of its members, or in which any of its members shall be directly or indirectly interested; and that all contracts made in violation of this section shall be wholly void.

Sec. 2. That every officer of any county, township, city, town, village or school district, who shall hereafter order or direct the payment of any money or transfer of any property belonging to such county, township, city town, village or school district in settlement of any claim known to such officers to be fraudulent or void, or in pursuance of any unauthorized, unlawful, or fraudulent contract or agreement made or attempted to be made, for any such county, township, city, town, village or school district, by any officer or officers thereof, and every person, having notice of the facts with whom such unauthorized, unlawful or fraudulent contract shall have been made, or to whom, or for whose benefit such money shall hereafter be paid or such transfer of property shall be made, shall be jointly and severally liable in damage to all innocent persons in any manner injured thereby, and shall be furthermore jointly and severally liable to the county, township, city, town, village or school district affected for double the amount of all such sums of money so paid, and double the value of property so transferred, as a penalty, to be recovered at the suit of the proper officers of such county, township, city, town, village or school district, or of any resident taxpayer thereof, s hereinafter provided.

Sec. 3. That upon the refusal, failure or neglect of the proper officers of any county, township, city, town, village or school district, after written demand made upon them by ten resident taxpayers of such county, township, city, town, village or school district, to institute or diligently prosecute the proper proceedings at law or in equity for the recovery of any money or property belonging to such county, township, city town, village or school district, paid out or transferred by any officer thereof in pursuance of any unauthorized, unlawful, fraudulent or void contract, made, or attempted to be made, by any of its officers for any such county, town, city, town, village or school district, or for the penalty provided in section two of this act, and resident taxpayer of such county, township, city, town, village or school district affected by such payment or transfer after serving the notice aforesaid and after giving security for cost, may in the name of the State of Oklahoma as plaintiff, institute and maintain any proper action at law or in equity which the property officers of the county, township, city, town, village or school district might institute and maintain for the recovery of such property, or for said penalty and any such municipality shall in such event be made defendant, and one-half the amount of money and one-half the value of the property recovered in any action maintained at the expense of a resident taxpayer under this section shall be paid to such resident taxpayer as a reward.

ARTICLE XXII.

Revenue and Taxation.

(A.) CONSTITUTIONAL PROVISIONS

SECTION

1. Fiscal Year.
2. Penalty for Not Assessing.
3. Tax Limits.
4. Building Tax Limit.
5. Assent of Three-Fifths of Voters Necessary to Increase Indebtedness.

SECTION

6. Increase for Public Utilities.
7. Sinking Fund.
8. Certificates of Attorney General, County Attorney, County Clerk in Regard to Indebtedness.
9. Uniform Method of Accounting.

Section 1. Fiscal Year.—The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law. (Article X, Sec. 1, Bunn's Constitution, p. 73.)

Sec. 2. Penalty for Not Assessing.—All property which may be taxed ad valorem shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person authorized to assess values, or subjects, for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of malfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law. (Article X., Sec. 3, Bunn's Constitution, p. 74.)

Sec. 3. Tax Limits.—Except as herein otherwise provided, the total taxes, on an ad valorem basis, for all purposes, State, county, township, city or town, and school district taxes, shall not exceed in any one year thirty-one and one-half mills on the dollar, to be divided as follows:

State levy, not more than three and one-half mills; county levy, not more than eight mills: Provided, That any county may levy not exceeding two mills additional for county high school and aid to the common schools of the county, not over one mill of which shall be for such high school, and the aid to said common schools shall be apportioned as provided by law; township levy, not more than five mills; city or town levy not more than ten mills; school district levy, not more than five mills on the dollar for school district purposes, for support of common school: Provided, That the aforeaid annual rate for school purposes may be increased by any school district by an amount not to exceed ten mills on the dollar valuation, on condition that a majority of the voters thereof voting at an election, vote for said increase. (See Art. X., Sec. 9, Bunn's Constitution, p. 75.)

Sec. 4. Building Tax Limit.—For the purpose of erecting public buildings in counties, cities, or school districts, the rates of taxation herein limited, may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or school district, voting at such election, shall vote therefor: Provided, That such increase shall not exceed five mills on the dollar of the assessed value of the taxable property in such county, city, or school district. (Art. X., Sec. 10, Bunn's Constitution, p. 75.)

Sec. 5. Three-fifths' Vote Necessary to Increase Indebtedness.—No county, city, town, township, school district, or other political corporation or subdivision of the State, shall be allowed to become indebted, in any manner, for any purpose, to an amount exceeding in any year, the income and revenue provided for such year, without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor

in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness: Provided, That any county, city, town, township, school district, or other political corporation, or subdivision of the State, incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same. (Art. X., Sec. 26, Bunn's Constitution, p. 78.)

Sec. 6. Increase for Public Utilities.—Any incorporated city or town in this State may, by a majority of the qualified property tax paying voters of such city or town, voting at an election to be held for that purpose, be allowed to become indebted in a larger amount than that specified in section twenty-six, for the purpose of purchasing or constructing public utilities, or for repairing the same, to be owned exclusively by such city: Provided, That any such city or town incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for the collection of an annual tax in addition to the other taxes provided for by this constitution, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same. (Art. X., Sec. 27, Bunn's Constitution, p. 78.)

Sec. 7. Sinking Fund.—Counties, townships, school districts, cities, and towns shall levy sufficient additional revenue to create a sinking fund to be used, first, for the payment of interest coupons as they fall due; second, for the payment of bonds as they fall due; third, for the payments of such parts of judgments as such municipality may, by law, be required to pay. (Art. X., Sec. 28, Bunn's Constitution, p. 79.)

Sec. 8. Attorney General's and County Officers' certificates.—No bond or evidence of indebtedness of this State shall be valid unless the same shall have endorsed thereon a certificate, signed by the auditor and attorney general of the State, showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or any other political subdivision of any county, shall be valid unless the same have endorsed thereon a certificate signed by the county clerk, or other officer authorized by law to sign such certificate, and the county attorney of the county, stating that said bond, or evidence of debt is issued pursuant to law, and that said issue is within the debt limit. (Art. X., Sec. 29, Bunn's Constitution, p. 79.)

Sec. 9. Uniform Accounting.—The legislature shall require all money collected by taxation, or by fees, fines, and public charges of every kind, to be accounted for by a system of accounting that shall be uniform for each class of accounts, State and local which shall be prescribed and audited by authority of the State. (Art. X., Sec. 30, Bunn's Constitution, p. 79.)

ARTICLE XXII.

Revenue and Taxation.

(B.) LEGISLATIVE PROVISIONS.

SECTION

1. Current Expenses.
2. Estimate must be made each year.
3. Excise Board.
4. Meeting of County Excise Board.
5. Special Election to increase levy.

SECTION

6. Fifty per cent of voters required.
7. Election returns.
8. Where the provisions of this act apply.
9. Thirty per cent of voters must vote.

House Bill 14—Session Laws 1910. —Special Session—

An ACT

To Provide for the Levying of Taxes on an Ad Valorem Basis for County, City, Town, Township and School District Purposes.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

Section 1. Except as otherwise provided in this Act, the total levy for current expenses of each county, city, town, township or school district, shall not exceed in any one year the following:

County levy not more than five mills, provided that any county may levy not exceeding one mill additional in aid of the common schools of the county and in any county where a county high school is located, an additional levy of not more than one mill may be made for the county high school: Provided, That where the assessed valuation of any county is less than \$4,000,000, the county levy shall not exceed six mills.

City levy, not more than seven mills.

Incorporated town levy not more than five mills.

Township levy not more than three mills.

School district levy for the support of common schools, not more than five mills.

Section 2. Each board of county commissioners, the mayor and council of each city of the first class, or the officers exercising like powers in any city of the first class in this State, having a charter form of government, the board of trustees of each incorporated town, the directors of each township, the board of education in each incorporated city and the directors of each school district in the State, shall meet on the first Monday in July of each year and shall respectively make out an itemized statement of the fiscal condition of their respective municipalities and of the estimated needs thereof for the current expenses of the ensuing fiscal year. Said estimate shall show, first, any unexpended balance on hand of the levy for any previous year or years for current expense purposes; second, the estimated income of the municipality from all sources other than from ad-valorem taxation and such estimated income for school district purposes shall include the apportionment of the income from the common school fund, based on the distribution for the next preceding fiscal year:

Third, an itemized estimate of the amount necessary for the current expenses of each municipality for the ensuing fiscal year;

Fourth, the amount necessary for a sinking fund, sufficient to pay at maturity, all bonded indebtedness coming due for such municipality.

Fifth, the amount necessary to pay the interest coupons falling due on its outstanding bonded indebtedness. The estimate for county purposes shall be itemized so as to show the amount estimated to be necessary for salaries; for court expenses; for county supplies; for the support of the

poor and insane; for roads and bridges; for aid of the common schools of the county; for contingent fund; for county high school, if any; for a sinking fund which shall, with the money already in such fund, be sufficient to pay, at maturity, all bonded indebtedness of such county coming due; for the interest coupons falling due on outstanding bonds of the county and an additional sum equal to one-third of the original amount of all outstanding judgments against the county where one-third or more of such judgments remain unpaid and in case less than one-third remains unpaid, then the estimate shall include the unpaid balance. Each estimate for county, city, incorporated town, township and school district purposes as prepared in accordance with the provisions of this Act, shall be published in some newspaper published in each such county, city, incorporated town, township and school district in four consecutive issues if in a daily paper and in two consecutive issues if published in a weekly paper and if here be no such paper published in such county, city, incorporated town, township or school district, then a copy of such estimate shall be posted in at least five public places therein, which posting shall be within five days after said first Monday in July. Said publication shall be made in each instance by the board or authority making the estimate. Said estimate so made out and published as aforesaid shall, as soon as completed, be certified to the excise board of the county hereinafter provided for, together with an affidavit showing the publication or posting thereof as required by this Act.

Sec. 3. County Excise Board.—There is hereby created in each organized county in this State an excise board to be composed of the following county officers, to-wit: County clerk, county treasurer, county judge, county superintendent and county attorney, who shall perform the duties as herein provided without additional compensation. The county judge shall be chairman of the board and the county clerk secretary.

Sec. 4. Meeting of County Excise Board.—The excise board shall meet at the county seat on the last Saturday of July of each year for the purpose of examining the estimates of expenses for the county and for each city, incorporated town, embracing a city of the first class, township and school district therein. Their meeting shall be public and they shall keep a record of their proceedings. They shall have power to revise and correct any estimate certified to them where the amount thereof is in excess of the just and reasonable needs of the municipality for which the same is made. When they shall have approved each estimate, if the same shall be within the limit for current expenses, provided by section 1 of this Act, and shall have ascertained the assessed valuation of property taxed ad valorem in the county and in each municipal subdivision thereof, and shall have ascertained the probable income of the county and of each municipal subdivision thereof from all sources other than ad valorem taxation, they shall thereupon make the levy therefor, adding thereto the amount ascertained to be necessary for a sinking fund, which, with the money already in such fund, shall be sufficient to pay, at maturity, all bonded indebtedness of such municipality, and for the interest coupons falling due on the outstanding bonds of such municipality; to the total amount so ascertained to be necessary for current expenses, sinking fund and interest coupons shall be added ten per centum for delinquent taxes. The levies so made for them shall be certified to the county clerk, who shall extend the same upon the tax roll.

Sec. 5. If any estimate certified to the excise board for the current expenses of any county, city, incorporated town, township or school district shall exceed the limits prescribed by Section 1 of this Act, and the excise board shall be of the opinion that such excess is reasonably necessary for the current expenses of the municipality for which the same is

prepared, they shall enter such fact upon the record of their proceedings, and shall give notice by publication in one issue of some newspaper, printed in the county that a special election will be held in the county, city, incorporated town, township or school district, as the case may be, on the second Tuesday after the first Monday in August next thereafter for the purpose of submitting to the qualified electors of such county, city, incorporated town, township or school district, the question of making such increased levy. Such election shall be held under the general election laws of the State and in each election held under the provisions of this Act, the amount of each proposed levy shall be printed upon the ballot with the words, "for the levy" and "against the levy" to the left of which shall be printed a square in which the elector shall stamp his choice.

Provided: In school districts not in cities of the first class the election shall be conducted as is now, or may hereafter be provided by law for such elections in school districts.

Sec. 6. Fifty Per Cent of Voters Required.—No election for an increased levy for county, city, incorporated town or township purposes shall be valid unless fifty per centum of the qualified electors, as shown by the last preceding election shall vote therein.

Sec. 7. The returns of such elections held under the provisions of this Act shall be made to the excise board, who shall meet at the county seat on the Friday following such election for the purpose of canvassing the returns. If the levies voted upon shall be approved by a majority of those voting for each levy and the total number voting shall be the proportion of the qualified electors of the county, city, incorporated town, township or school district required by this Act, the excise board shall certify the same to the county clerk, who shall extend the same upon the tax roll; and levy for any purpose shall be valid unless made according to the provisions of this Act, and any such illegal levy, and the collections of the tax thereunder may be enjoined at the suit of any tax payer.

Sec. 8. The provisions of this Act shall apply to each city whether having a charter form of government or not and to the board of education in each city, except that where an election is called for the purpose of voting a tax in excess of that prescribed by this Act, such election shall be called by the mayor and council in such city or the officers exercising like power in cities having a charter form of government and by the board of education, who shall canvass the returns thereof and make the levies and certify to the county clerk, who shall extend the same upon the tax rolls.

Sec. 9. Thirty Per Centum of Voters Must Vote.—It shall be the duty of the school trustees in each school district to record in a book kept for the purpose, the names of all legal voters within such school district, and at the election where it is proposed to vote an addition levy above the five mills herein authorized for school purposes the election shall be held to be a legal election when thirty per centum of the total number of legal voters living in such school district shall participate therein.

BEN F. WILSON,
Speaker of the House of Representatives.

J. C. GRAHAM,
President Pro Tempore of the Senate.

Approved March 17, 1910.

C. N. HASKELL,
Governor of the State of Oklahoma.

ARTICLE XXXIII.

THE BOND COMMISSIONER.

House Bill No. 116.—Session Laws, 1910.

—Special Session—

AN ACT

For the Protection, Validation and Sale of School Bond Issues of the State, Counties, Townships and Municipalities and All Other Political Organizations and Subdivisions of the State of Oklahoma.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

Section 1. The attorney general is hereby made ex-officio bond commissioner of the State of Oklahoma.

Sec. 2. It shall be the duty of such bond commissioner to prepare uniform forms and prescribe a method of procedure under the laws of the State in all cases where it is desired to issue public securities or bonds, in any county, township, municipality, or political or other subdivision thereof of the State of Oklahoma; and it shall be the further duty of said bond commissioner to examine into and pass upon any security so issued, and such security, when declared by the certificates of said bond commissioner to be issued in accordance with the forms of procedure so provided shall be incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of the approval of said securities by the bond commissioner.

Sec. 3. No bond hereafter issued by any political or municipal subdivision of this State shall be valid without the certificate of said bond commissioner.

Sec. 4. An emergency is hereby declared, by reason whereof it is necessary for the immediate preservation of the public peace and safety that this Act shall take effect from and after its passage and approval.

Approved March 24, 1910.

C. N. HASKELL, Governor.

ARTICLE XXIV.

Refunding of Bonds by Municipal Corporations.

SECTION

1. Funding Bonds.
2. Notice of Issuance.
3. Outstanding Indebtedness.
4. County and City Bonds—How Attested.
5. Limit of Issue.
6. Registration of Bonds.
7. Levy of Taxes to Pay.

SECTION

8. Auditor, Duty of.
9. Sinking Fund.
10. Payments.
11. Wrong Use—Punishment.
12. Taxes Receivable.
13. Cancellation.
14. Acts Repealed.

Sec. 1. (408-S.) Funding Bonds.—Every county, every city of the first class, the board of education of every city, every township, and every school district, is hereby authorized and empowered to refund its indebtedness, including bonds, judgments and warrants, as hereinafter provided, upon such terms as can be agreed upon, and to issue new bonds with semi-annual interest coupons attached in payment for any sum so refunded; which bonds shall be sold at no less than par, and shall not be for a longer period than thirty years, shall not exceed in amount the actual amount of outstanding indebtedness, inclusive of attached coupons and shall not a greater interest than six per cent per annum. No indebtedness, of any kind, shall be funded or refunded under the provisions of this Act, except indebtedness actually existing at the time of the passage of this Act or hereafter legally created. (L. 1905, p. 87. See Const., Art. 10, Sec. 26.)

Sec. 2. (409-S.) Notice of Issuance.—Notice of the issuance of bonds provided for in this Act, shall be given by publication in a newspaper published at the county seat and by posting a copy of the same in five public places in the municipality, stating that on the day named therein the municipality will proceed before the probate court of the county, if the amount be less than one thousand dollars, or before the district court, if the amount exceed one thousand dollars, to make a showing and ask the court to hear and determine the amount of the outstanding legal indebtedness of said municipality, and to sign the bonds to be issued in payment of the same, and any person interested may remonstrate against the issuance of the same. Such notice shall be given for at least ten days before the day named for said hearing. (L. 1905, p. 87.)

Sec. 3. Outstanding Indebtedness.—On the day named in the notice referred to in the preceding Section, the officers authorized to issue bonds under this Act shall go before the court, named in said notice, and make proof, to the satisfaction of the court, of the existence, character and amount of the outstanding legal indebtedness of said municipality. On such proof being made the court shall cause to be made upon the records of the court, a statement of finding to that effect and shall then, in open court proceed to sign each bond to be issued, up to the amount of said indebtedness so proven and approved, and shall, after expiration of the time for taking appeals, if no appeal be taken, deliver the same to the treasurer of said municipality issuing the same, who shall be chargeable therefor, and shall be liable on his official bond for said bonds. Appeals from the judgment of the court shall be allowed, as provided by law, upon the giving of a bond for costs and damages, such sum as the court shall require, and if an appeal is taken as herein provided, then said bonds shall not be delivered to the treasurer of said municipality until the final determination of said appeal. (L. 1895, p. 88.)

Sec. 4. (409-S.) Issuance of.—Bonds issued under this act by any county shall be signed by the chairman of the board of county commissioners,, and

attested by the county clerk under the seal of the county. Bonds issued by any city shall be signed by the mayor and attested by the city clerk, under the seal of the city. Bonds issued by any township shall be signed by the trustee, attested by the township clerk and countersigned by the township treasurer. Bonds issued by the board of education of any city shall be signed by the president, and attested by the clerk of the board under the seal of such board. Bonds issued by any school district shall be signed by the director, attested by the clerk and countersigned by the treasurer of such school district board, and the coupons shall be signed by the mayor, president, director, trustee or chairman of the board of county commissioners, and the clerks respectively. Such bonds may be in any denomination from one hundred to one thousand dollars, and made payable at such place as may be designated upon the face thereof and they shall contain a recital that they are issued under this Act. (L. 1895, p. 89.)

Sec. 5. (409-S.) Limit on Issue.—When a refunding has been agreed upon it shall be the duty of the proper officers to issue such bonds at the rate agreed upon, to the holder of such indebtedness, in the manner prescribed in this Act; but no bonds shall be issued under this Act until the proper evidence of the indebtedness for which the same are to be issued shall be delivered up for cancellation; provided that no bonded indebtedness shall be refunded by the board of trustees of any township or any school district board, or board of education, under this Act, except such as have been issued and outstanding at least two years at the time of such refunding; and Provided Further, That except for the refunding of outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon, or warrants, no bonds of any class or description shall hereafter be issued where the total bonded indebtedness of said county or township would thereby exceed four (See Art. XXVIII. Also Sec. 25, Schedule of Constitution, Art. XXXIX, this book.) per cent of the assessment for taxation as shown by the last finding and determination by the proper board of equalization, or of such city, school district, or board of education; but this restriction shall not apply to the boards of education of any city or cities of the first class. (L. 1895, p. 89. See Const. Art. X., Sec. 26.)

Sec. 6. Registration of Bonds.—The clerk of every county, city, township, school district and board of education, issuing bonds under this act shall register the same in his office. Such bonds shall also, in every case be registered by the county clerk, showing the date, number and amount thereof, rate of interest, number of coupons and amount of each, to whom payable, where payable, date of maturity, and if optional, under what conditions; and all indebtedness refunded under this act shall have the words "paid in full" marked in a plain manner across the face of each bond, coupon, or warrant refunded; and such cancelled obligations shall be carefully preserved in the office of the county clerk or destroyed by the county commissioners, a register of the number, amount and date of issue having first been made by the county clerk. The proper officers shall, at the time of issuing refunding bonds, make out and transfer to the auditor of the State a certified statement of all proceedings had by the proper board or city council as shown of record and that said bonds have been issued for value in all respects in conformity to this act for certain indebtedness surrendered, definitely describing the bonds issued and the indebtedness surrendered and that they have been duly registered by the attesting clerk and county clerk as required herein; which statement shall be in such form and include such other information as the auditor of the State may require and be signed by all the officers whose signatures are attached to such bonds, and attested by the proper clerk with the corporate seal of

the county, city, township, school district or board of education, if any, and duly acknowledged before the county clerk. And the auditor shall upon being satisfied that such bonds have been issued according to the provisions of this act, and that the signatures thereto of the officers signing the same are genuine, register the same in his office in a book kept for that purpose and shall, under his seal of office certify upon such bonds the fact that they have been registered in his office according to law. (L. 1895, p. 89. See Const., Art. X., Sec. 29.)

Sec. 7. (409-S.) Levy of Taxes to Pay.—In every instance in which any county, city, township, the board of education of any city, or any school district shall issue bonds under this act, it shall be the imperative duty of the proper officers of such county, city, township, the board of education of any city, or of such school district whose duty it may be to levy taxes, to annually levy, at the time of making the levy of other taxes, a tax sufficient in amount to pay the interest upon said bonds and the coupons as they become due, and to create a sinking fund as provided for in this act for the payment of the principal of such bonds, and if such officers fail or neglect to make such levy, it shall be the duty of the county clerk forthwith to levy such tax; and in case any such officer shall neglect or refuse to levy any such tax at the time aforesaid, and in case any county clerk shall neglect or refuse to extend such tax upon the tax roll of the county at the proper time, then and in that case, any such officer so neglecting or refusing to levy or extend such tax shall be severally and individually liable and shall also be liable upon his official bond to the holder of any such bond or coupon falling due during the year for which such tax should have been levied or extended for the full amount thereof as soon as the same is due, which liability may be enforced in a civil action in the name of the holder; and any such officer so neglecting or refusing to levy or extend such tax shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in an amount equal to the amount which it may be shown should have been so levied or extended during such year, or imprisoned in the county jail for a term not less than three nor more than twelve months. (L. 1905, p. 91.)

Sec. 8. Duty of Auditor—Treasurer to Make Levy—Penalty.—Should the proper officer whose duty it is to levy the taxes to pay such bonds and coupons, fail or neglect to make such levy as provided for in this act, it shall be the duty of the auditor of the State, at any time thereafter, to ascertain the amount of interest and sinking fund, or principal of such bonds, accrued and to accrue during that year, and shall certify the amount thereof to the treasurer of the county in which such bonds were issued, setting forth the amount thus due, and whether from the county or from a particular city, township, the board of education of any city or school district within such county; and it shall be the duty of such county treasurer, immediately upon receiving such certified statement from the auditor of the State to proceed to ascertain from the assessment roll of the county the amount of taxable property in such county, city, township, the board of education of any city, or such school district, and what percentage is required to be levied thereon to pay the said interest and sinking fund or principal, and when so ascertained shall levy such percentage upon the taxable property of such county, city, township, the board of education of any city, or such school district, as may be liable thereto, and shall immediately place the same upon the tax roll of the county in a separate column or columns, designating the purpose for which such taxes are levied; and the said taxes shall be collected by the county treasurer of such county in the same manner that other taxes are collected. And should such county treasurer neglect or refuse to levy tax and place the same upon the tax

roll for collection as herein provided, he shall be personally liable, and also liable upon his official bond to the holder of any such bonds or coupons then due, for the full amount thereof, and shall also be deemed guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail for not less than three months nor more than twelve months. (L. 1905, p. 92.)

Sec. 9. Sinking Fund—Purchase Bonds.—It shall be the duty of every county, city, township, the board of education of any city, and of every school district, issuing bonds under this act, and of the proper officers thereof, to create a sinking fund and to levy, annually, a sufficient tax therefor, for the redemption of such bonds, which shall be collected as other taxes, and paid into the treasury as provided by law for other taxes, and shall remain as a specific fund for the redemption of said bonds; the amount of which sinking fund shall be as follows: In every instance in which bonds shall be issued under this act for twenty years or less, the quotient fund found by dividing the amount of the principal of such bonds by such number of years shall be the amount of sinking fund to be levied each year for the redemption of such bonds; but in every instance in which such bonds shall be issued for more than twenty years, it shall not be necessary to create a sinking fund, nor to levy a tax therefor, until the twentieth year prior to maturity of such bonds, at which time, and each year thereafter, one-twentieth of the principal amount of such bonds shall be levied as a sinking fund for the redemption of such bonds: Provided, That any county, city, township, the board of education of any city, or any school district, issuing bonds under this act, may buy in and cancel any such bonds whenever the same can be done at or below par: And Provided Further, That such sinking fund, when not required for the payment or purchase of bonds, may be invested in bonds of the United States or of the State of Oklahoma, and in no other manner: And Provided Further, That under the provisions of this act, the proper officers are authorized, if desirable, to issue installment bonds, running thirty years, having coupons attached, representing the semi-annual interest to become due therein; and each coupon attached to any installment bond shall, after five years from its date represent one-fiftieth of its principal, which amount shall be shown by separate words and figures aside from the interest represented in the coupon; and each installment bond shall show upon its face that its principal is included in its coupons. (L. 1905, p. 93. See Const., Art. X., Sec. 26.)

Sec. 10. Payment.—Whenever the bonds or interest coupons issued under this act shall become due, they shall be, on presentation, promptly paid by the proper disbursing officer, out of the money in his hands collected for that purpose; and he shall indorse upon the face of any bond or coupon paid by him, in red ink, the word "paid," and the date of payment, and sign his name thereto, and at each settlement he shall turn over the bonds and coupons so paid and cancelled, which shall be carefully preserved or destroyed. (L. 1905, p. 94.)

Sec. 11. Punishment for Wrong Use.—Any person who shall appropriate, use or aid or abet in appropriating or using, any of the funds or moneys mentioned in this act, for any other purpose than as in this act provided, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum equal to the amount of money so appropriated or used, and imprisoned in the county jail for not less than three nor more than twelve months, and shall also be liable in a civil action for the amount so appropriated or used, to be prosecuted by any such bond holder or other party entitled thereto. (L. 1905, p. 95.)

Sec. 12. Receivable Taxes.—The interest coupons provided for in this act shall as fast as they become due, be received in payment of taxes due

to the particular county, city, the board of education of any city, the township or school district, which may have issued such coupons, and shall be received by all collecting officers the same as cash, in payment of such taxes. (L. 1905, p. 95.)

Sec. 13 Cancellation.—That all county, township and municipal bonds on which final judgment shall hereafter be rendered by any court of record in this State shall be cancelled in open court, and returned by the clerk of such court to the clerk of the proper county, city or township. (L. 1905, p. 95.)

ARTICLE XXV.

Sinking Funds—Investment.

House Bill No. 115., L. 1910.

AN ACT

Providing for the Investment of Sinking Funds of the State; or of Any County, City, Town, Township, School District or Other Municipality; and Declaring an Emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

Section 1. The officers having charge of any sinking fund of the State, or of any county, city, town, township, school district or other municipality thereof, may invest such sinking fund in the bonds or warrants of the State or any county, city, town, township, school district, or other municipality thereof; or in any public building warrants, maturing prior to the date of the bonded indebtedness, for the payment of which any such sinking fund is ceated; or such officers may buy and cancel the outstanding bonds of the State, county, city, town, township, school district or other municipality which they represent, when ever the same may be purchased at or below par.

Sec. 2. An emergency necessary for the preservation of the public peace, health and safety is hereby declared to exist by reason whereof this Act shall take effect from and after its passage and approval.

BEN. F. WILSON,
Speaker House of Representatives.

J. C. GRAHAM,
President Pro Tempore of the
Senate.

Approved March 24th, 1910.

C. N. HASKELL,
Governor State of Oklahoma.

ARTICLE XXVI.

Legalizing Bond Issues.

Senate Bill No. 69, L. 1910. By Blair.

AN ACT

To Legalize Bond Issues of Municipal Corporations, Counties, Townships and School Districts of This State; and Declaring an Emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAOMA:

Section 1. All bonds issued or voted in good faith by any municipal corporation, county, township or school district in this State, since the admission of this State into the Union, where the amount thereof does not exceed the limit prescribed by the Constitution, and where the election at which the same were voted was conducted in substantial compliance with the law, and where the proceedings of the municipal authorities of any such municipal corporation, county, township or school district calling any such election were conducted in substantial compliance with the law, and the bonds were authorized by the requisite vote as required by the Constitution and laws of Oklahoma, and when the full contract purchase price has been paid to the municipal corporation, county, township or school district issuing the same are hereby made legal and valid, notwithstanding any irregularities in the proceedings of the authorities of such municipal corporation, county, township, or school district in calling any such election or in holding the same.

Sec. 2. An emergency is hereby declared, by reason whereof it is necessary for the immediate preservation of the public peace and safety that this Act take effect from and after its passage and approval.

Passed by the Senate, March 3, 1910.

J. C. GRAHAM,
President Pro Tempore of the
Senate.

Passed by the House of Representatives, March 16, 1910.

BEN. F. WILSON,
Speaker of the House of Repre-
sentatives.

Approved March 26th, 1910.

C. N. HASKELL,
Governor.

ARTICLE XXVII.

Suffrage.

SECTION

1. Who are Qualified Electors.
2. Army Officers and Navy Officers.

SECTION

3. Female Suffrage.

Sec. 1. Qualified Electors.—The qualified electors of the State shall be male citizens of the United States, male citizens of the State, and male persons of Indian descent, native of the United States, who are over the age of twenty-one years, who have resided in the State one year, in the county six months and in the election precinct thirty days, next preceding the election at with such elector offers to vote: Provided, That no person adjudged guilty of felony after the adoption of this constitution, subject to such exceptions as the legislature may provide, unless his citizenship shall have been restored in the manner provided by law; nor any person, while kept in a poor-house or other asylum at the public expense, except Federal and Confederate ex-soldiers; nor any person in a public prison, nor any person in a public prison, nor any idiot or lunatic, shall be entitled to vote at any election under the laws of this State. (Article III., Bunn's Constitution, p. 18.)

Sec. 2. Army and Navy Officers.—For the purpose of voting, no member of the regular army or navy of the United States shall gain a residence in this State by reason of being stationed in this State, nor shall any such person lose a residence in the State while absent from the State in the military or naval service of the United States. (B. C., p. 18.)

Sec. 3. Female Suffrage.—Until otherwise provided by law, all female citizens of this State, possessing like qualifications of male electors, shall be qualified to vote at school district elections or meetings. (B. C., p. 18.)

ARTICLE XXVIII.

Fire Escapes.

SECTION

1. Metallic Fire Escapes Required.
2. Ropes Provided.
3. Public Notices.

SECTION

4. Punishments.
5. Duty of Fire Chief.

Laws of 1907-8.

Sec. 1. (3444-S.) Fire Escapes Required.—Every building now or hereafter used, in whole or in part, as a public building, public or private institution, school house, church, theater, public hall, place of assemblage, or place of public resort, and every hotel, family hotel, apartment house, boarding house, lodging house or tenement house, three or more stories in height, shall be provided with one or more metallic ladders or stair fire escapes attached to the outer walls thereof, and extending from, or suitably near the ground, to the uppermost story thereof, with platforms of such form and dimensions, and in such proximity to one or more windows of each story above the first as to render access to such ladders or stairs

from each story easy and safe; the number, location, material and construction of such escapes to be subject to the approval of the fire marshal, chief of the fire department, city or town marshal, or such other authority as may have the control of fire regulations in any city or town where such buildings are located: Provided, however, that all buildings more than two stories in height, used for manufacturing purposes, or for hotels, dormitories, schools, seminaries, hospitals or asylums, shall have at least one such fire escape for every thirty persons for which working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls with seating room above the first or ground story shall be provided with such number of said ladders, or stair fire escapes, as the fire marshal, chief of fire department, city or town marshal, or such other authority as may have the control of fire regulations in any city or town where such buildings are located may direct. (L. 1907-8, p. 427.)

Sec. 2. Fire Ropes Also Required.—Independent of and in addition to the external iron fire escapes, that may be required by any law of this State, upon any hotel or large boarding house, tenement house, or any building in which rooms or floors are let for numerous families, whenever any said building can accommodate twenty or more individuals and is two or more stories in height, it shall be the duty of the owners of all said buildings to provide and cause to be securely affixed inside, to a bolt three-fourths of an inch in diameter through the walls near a window-head of at least one window in each and every room on the second floor and in each and every room on each higher floor, a rope made of good material not less than one-half inch in thickness, and of sufficient length to extend to the ground, or other place of landing; such rope escape in each room to be carefully coiled and kept near the sill of the window to which the escape is attached and with directions of manner of use attached thereto. (L. 1907-8, p. 428.)

Sec. 3. (3446-S.) Notices.—It shall be the duty of every proprietor, custodian, superintendent, or other person or persons having the charge and control of such public buildings, mentioned and described in section one hereof to post notices in every room and hall, and in a public and conspicuous place in such building, calling attention to the fact that this act has been complied with, and designating the places on each and every floor of such building where such metallic ladders or stair fire escapes and such rope escapes are located and may be found. The metallic ladders, or stair fire escapes, and the rope escapes, in this act provided for shall be furnished, constructed and maintained at the expense of the owner, or owners of the buildings.

Sec. 4. (3447-S.) Punishment.—Any violation of any of the provisions of this act shall be deemed a misdemeanor, and any person convicted thereof shall be punished by a fine of not less than five dollars nor more than five hundred dollars.

Sec. 5. (3448-S.) Duty of Fire Chief.—It shall be the duty of the chief of the fire department in all cities and towns to visit all public buildings, hotels, lodging houses, and buildings described in section one hereof, and which have and maintain fire escapes, at least once every three months, and to investigate whether the provisions of this act are duly observed, and to report all violations of the same to the city, or prosecuting attorney for prosecution. In cities or towns not having a chief of fire department, it shall be the duty of the marshal to perform the duties imposed by this section.

ARTICLE XXVIII.

The Land Commissioners and the State School Funds.

SECTION

1. The Land Commissioners.
2. Investment of Funds.
3. Depositing Funds in Banks.
4. Expenses of Commissioners.

SECTION

5. Reports to the Legislature.
6. Apportionment of State School Fund.
7. Rules and Regulations.
8. Repeal of Senate Bill No. 141.

(Laws of 1908.)

Sec. 1. (7941-S.) Commissioners.—That the commissioners of the land office, consisting of the governor, the secretary of state, state auditor, superintendent of public instruction, and the president of the board of agriculture, be and they are hereby authorized and empowered to manage, loan, invest, and deposit, the permanent school fund donated to the State of Oklahoma by the Congress of the United States, or arising from the sale of lands and from other sources.

Sec. 2. (7942-S.) Investment of Funds.—All of the permanent school funds shall be invested in first mortgages upon good and improved farm lands within the state, (and in no case shall more than fifty per cent of the reasonable value of the lands, without improvements, be loaned upon any tract.) The interest on said farm loans shall not exceed five per cent per annum. Oklahoma State bonds, county bonds of the counties of this State, school bonds of the school districts of the State, and United States bonds, and in the investment of said funds preference shall be given to such securities in the order named.

Sec. 3. (7943-S.) Depositing Funds.—Until such time as said funds may be safely and advantageously invested in the securities mentioned in the preceding section, said commissioners of the land office shall be, and they are hereby authorized and empowered to deposit said sums in such banks or trust companies as they may select, but shall in every case take as security for such deposits the following classes of securities and no others: Bonds of the State of Oklahoma, bonds of the counties, school districts, cities and towns of this State, State and county warrants and approved State, county and municipal bonds of other states, bonds of the United States, first mortgages on real estate, warrants or other legal evidences of indebtedness authorized by law to be issued by municipalities in payment of paving, sewer, water works, electric light, or other public indebtedness and for which a special tax is authorized to be levied and collected for the payment thereof, and surety company bonds, and as additional security on any deposit which said board may make the said commissioners of the land office shall have authority to accept surety companies or trust companies as sureties, but in each case said board of land commissioners shall accurately investigate the value of securities offered for such deposits, providing, however, such surety company or trust company shall neither be in any manner interested directly or indirectly in any bank or trust company for which it becomes additional surety, nor shall any surety bonding or trust company be accepted as additional surety that has more than one-fourth of its paid capital invested in bank stock. The said board of land commissioner may whenever they deem it advisable require additional securities after a deposit is made as they deem necessary to secure the safety of the deposit.

Sec. 4. (7944-S.) Assistants, Etc.—The commissioners of the land office may appoint such assistants and incur such expenses as are necessary in the management and handling of such property and funds and shall pay such expenses out of the income of the school funds.

Sec. 5. (7945-S.) Reports to the Legislature.—The commissioners of the land office shall report to this legislature before final adjournment the condition and management of such funds, and thereafter to each legislature.

Sec. 6. (Senate Bill No. 259.) (7947-S.) Apportion—Income.—The commissioners of the land office shall apportion the income of the state school fund, and the annual taxes collected by the State for the support of public schools, to those counties of the State from which proper reports have been received by the superintendent of public instruction, and such apportionment shall be made as follows: All such moneys remaining in the State treasury on the 15th day of January shall be apportioned between the 15th and the 1st day of such month, and that remaining on the 15th day of July, shall be apportioned between the 15th and the last day of such month. The apportionment to each county shall be made in proportion to the number of children over the age of six years and under the age of twenty-one years resident therein as shown by the last annual report of the county superintendent to the state superintendent. The commissioners of the land office in distributing all funds mentioned in this section, shall draw their order on the State treasurer or other officer having custody of such funds, in favor of the county treasurers of the counties respectively, entitled to school moneys, for the amount of such moneys apportioned to his county, and certify the amount of such order to the State treasurer, and also to the county clerk and superintendent of the proper county; provided, that the Federal appropriation made shall be apportioned by said commissioners after the passage of this act to the several counties entitled to the same under act of congress providing for said appropriation in proportion to the number of children of school age shown by the last Federal census, and provided that for the year 1908, the commissioners of the land office shall have thirty days from and after the 15th day of March, 1908, in which to make the apportionment of school funds to the various counties of the State.

Sec. 7. (7948-S.) Rules and Regulations.—The commissioners of the land office are hereby authorized and empowered to make all necessary rules and regulations, for the purpose of carrying into effect the provisions of this law.

Sec. 8. (Senate Bill No. 141.) “An Act to extend the time of making the apportionment of the school fund to the various counties by the State superintendent, and declaring an emergency,” passed and approved January 17, 1908, is hereby repealed.

ARTICLE XXX
AGRICULTURAL AND INDUSTRIAL EDUCATION.

SECTION

1. State Commission.
2. Agriculture in Schools.
3. Duty of State Superintendent.
4. Duty of County Superintendent.
5. County Certificates.
6. Agricultural Departments in Normal Schools.
7. A. & M. College to Direct the Work.
8. Chair of Agriculture for Schools.
9. Soil Surveys, etc.
10. A. & M. diplomas and State Certificates.

SECTION

11. State Commissioner for Agricultural and Industrial Education.
12. County Examinations for A. & M. College
13. Standard of Admission to A. & M. College
14. District Agricultural Schools.
15. Experiment Farms.
16. Farmers' Courses.
17. Branches to be Taught.
18. Appropriations.
19. Construction of Buildings.

(Laws 1908—Franklin Senate Bill No. 109.)

Sec. 1. (26-S.) State Commission.—For the purpose of carrying out the requirements of the State constitution relating to the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State, there is hereby created a "State Commission of Agriculture and Industrial Education," consisting of the State superintendent of public instruction, who shall be chairman thereof; the president of the State board of agriculture, and the president of the Agricultural and Mechanical College, each of whom shall serve without additional pay. Said commission shall conform to the rulings of the State board of education, shall co-operate with all State normal schools, the Agricultural and Mechanical Colleges, and the State board of agriculture, and said boards and institutions are hereby required to co-operate with the "State Commission for Agricultural and Industrial Education" as far as practicable and without interfering with the more immediate duties of said boards and institutions. Said Commission shall make a report in writing to the governor at least thirty days prior to the regular sessions of the legislature, including the work done under its supervision and a complete account of all funds and their disbursements made in pursuance of this act, together with such recommendations as may by said board be deemed advisable.

Sec. 2. (77-S.) Agriculture.—The elementary principles of agriculture horticulture, animal husbandry, stock feeding, forestry, building country roads, and domestic science, including the elements of economics, shall be embraced in the branches taught in all the public schools of this State, receiving any part of their support from this State, and these branches shall be studied and taught by observation, practical exercises, and the use of text and reference books, and in the same manner as are other like required branches in said public schools.

Sec. 3. (78-S.) Duty of State Superintendent.—The State superintendent of public instruction shall investigate and determine the character, extent and cost of courses of instruction in the branches provided for in this act, including manual training adapted to the different schools; and through bulletins and public addresses give information to school boards and communities as to the courses and character of instruction which have proved most satisfactory and best adapted to various schools. He shall determine and give information as to where the most thoroughly trained and best equipped teachers of the subjects named in this act may be found, and shall formulate and recommend plans for the organization of training and normal schools for the preparation of teachers of said subjects. He shall in all proper ways seek to awaken an active interest among teachers in the sub-

jects required to be taught in this act and shall in all proper ways awaken public sentiment to the importance of teaching said subjects in the common schools and all public schools with efficiency and success, and shall make such investigations as may be necessary or the proper performance of his duties as prescribed in this act.

Sec. 4. (79-S.) Duty of County Superintendent.—All county superintendents of education shall file a written report with the president of the State board of education annually at such time as the president of said board may require, concerning the cost, character and extent of such courses of instruction in the branches provided to be taught in this act in their respective counties, together with such reports on work done and suggestions in relation thereto as the president of the State board of education may require.

Sec. 5. (80-S.) Agriculture Required for Certificates.—After July 1, 1909, no person shall teach and no certificate shall be granted to an applicant to teach, in the public schools receiving aid from this State, who has not passed a satisfactory examination in the elements of agriculture and allied branches mentioned in this act. It shall be the duty of teachers in all schools receiving aid from the State to file quarterly, or at such times as the county superintendent may require, a written report with the county superintendent of public instruction of their respective counties, in full detail, of any progress made or work done in the different branches required to be taught under the terms of this act, together with such recommendations as they may deem advisable, and such other information as the county superintendent may require. Any teacher, whose duty it is to instruct in the branches required to be taught by this act, who fails or neglects to comply with the provisions of this act, shall be discharged.

Sec. 6. (81-S.) State Normals to Assist.—The State normal schools, and like schools to be hereafter created, shall lend specific assistance in carrying out the purposes of this act by preparing teachers for the work of instruction in the elements of agriculture and allied branches named in this act, in the same manner as teachers are prepared for other required subjects and shall render such co-operation and active support through their respective presidents, officers and teachers as will best contribute to the successful introduction and support of a successful system of agricultural and industrial education for the schools of the State. There shall be established in each of the State normal schools, located or to be hereafter located, a department to be known as the "Department of Agricultural and Industrial Education," with a professor in charge, which shall give such instruction in the regular course, or courses as may be deemed necessary for the instruction of teachers in the public schools of the State. For the purpose of establishing such departments there is hereby appropriated out of the treasury for the maintenance, support and equipment of said departments the sum of two thousand five hundred dollars, or so much thereof as may be necessary, for each of said departments established in pursuance of this act in the three existing normal schools.

Sec. 7. (82-S.) Agricultural College.—The Agricultural and Mechanical College shall be the technical head of the agricultural, industrial and allied science system of education, and its president, professors and employees shall lend such assistance in carrying out the objects, aim and purposes of the State constitution requiring the teaching of agriculture and allied practical subjects as shall not conflict with the immediate duties incumbent on them in said institution.

Sec. 8. (83-S.)—Chair of Agriculture.—There is hereby created the "Chair of Agriculture for Schools," who shall be a member of the faculty of the

Agricultural and Mechanical College, whose duty shall be to direct and advise in all matters relating to the teaching of agriculture and allied subjects in the common schools, under the supervision of the president of the Agricultural and Mechanical College, and he shall be paid from the funds of the Agricultural and Mechanical College. He shall visit the schools, the teachers' institutes, the summer normal schools, and the State normal schools, advise with the teachers and officers concerned, and plan such means of co-operation in the improvement of methods, appliances, the use of seeds, plants and trees as may from time to time be necessary, and shall prepare, print, and distribute such leaflets and other literature as may be helpful to teachers and pupils concerning or engaged in teaching industrial, practical and scientific subjects bearing on technical and practical agriculture and its allied branches.

Sec. 9. (84-S.) Surveys.—It shall be the duty of the Agricultural and Mechanical College, under the board of agriculture, (ex-officio board of regents of said institution) to carry on all natural history surveys, soil surveys, mineral and forestry surveys that are now provided for by the laws of the State, or that may hereafter be provided for, and it shall be the duty of said Agricultural and Mechanical College to co-operate with the national department of agriculture in carrying out the surveys herein mentioned, and in the construction of country roads, and in all ways and by all means to supply the schools and the people with agricultural and technical facts demanded by the spirit of this act.

Sec. 10. (85-S.) Graduates.—Any students having completed the regular four years' (normal) course of study in the Agricultural and Mechanical College and receiving a diploma from said college, shall be granted a permanent teachers' certificate of first grade by the State superintendent of public instruction when application for such certificate has been duly made and approved by the "State Commission of Agriculture and Industrial Education."

Sec. 11. (86-S.) Course of Study.—The "State Commission for Agricultural and Industrial Education," with the assistance of such experts in agricultural education as may be secured from the State and national departments of agriculture, shall have authority and it shall be their duty to prepare a detailed course of study in the elements of agriculture and allied subjects, domestic science, and economics adapted to the needs of instruction in the elementary and secondary schools of the State. The commission shall prepare a syllabus of the course of study in each subject, in such detail and with such elaboration of the body of knowledge to be considered as may be necessary for the organization and administration of the proper courses of instruction in said branches. In preparing the courses of study required to be taught by this act, any of said subjects may be combined in one text book so they will be adaptable to the various schools in which they are taught, at the same time so far as possible giving practical educational values to each subject. Upon the satisfactory completion of said course of study, as evidenced by a diploma or a certificate signed by the county superintendent, pupils shall be admitted to the sub-freshman or higher class of Agricultural and Mechanical College without further examination. It shall be the duty of the president of the Agricultural and Mechanical College each year to send to each school in this State where such branches as required by this act are taught, a catalog, and upon application to furnish said schools such other information as may be desired relative to said College. Such catalogs and other information shall be kept in each school for reference.

Sec. 12. (87-S.) Examinations.—It shall be the duty of the State Superintendent of public instruction to secure at least twice a year a set of

examination questions in all the studies required for admission to the Agricultural and Mechanical College, and he shall send a printed list of same to each county superintendent which shall be used in examining candidates who may desire to enter said College.

Sec. 13. (88-S.) County Superintendents to Examine.—It shall be the duty of the county superintendent to give public notice of the examination provided for in the preceding section at the time of all regular teachers' examinations, and to submit such questions to any candidate who may desire to enter the Agricultural and Mechanical College. The examinations shall be conducted in the same manner as are regular teachers' examinations of the county. The work of each and every candidate, together with the name and address shall be forwarded by the State superintendent within ten days from the date of the examination, and by him to the president of the College, who shall examine and grade the answers, and report to the candidate as soon as possible, after the receipt of the paper, the result of the examination. An average grade of 70 per cent in each branch will admit the candidate to the Agricultural and Mechanical College without further examination.

Sec. 14. (89-S.) Schools to be Established.—There shall be established in each of the supreme court judicial districts a district agricultural school of secondary grade for instruction in agriculture and mechanics and allied branches and domestic science, and economics, with courses of instruction leading to the Agricultural and Mechanical College, and the State normals. At least two of said agricultural schools shall be located and established every two years from and beginning July 1, 1908, and every two years thereafter, until one of said agricultural schools has been provided for each existing supreme court judicial district. Provided, That each of said agricultural schools shall be provided with not less than eighty acres of land without cost to the State and deeded in perpetuity to the State. The location, operation, and equipment of said agricultural schools shall be under the administration of the "State Commission of Agricultural and Industrial Education," subject to the approval of the board of agriculture.

Sec. 15. (90-S.) Experiment Farm.—There shall be an experimental farm operated by each of the said agricultural schools on which careful trials shall be made of the best fruits, vegetables, flowers, field and forage crops, fertilizers, and stock feeds for that section as well as the systems of dairying, drainage, irrigation and farm management that may be considered of practical value and adapted to the needs of the people in such supreme court judicial districts; Provided, That each district agricultural school shall make at least one report annually to the governor of the State covering all work done, its cost, the results, and the probable value of such experiments, which report shall be published for free distribution to farmers, fruit and vegetable growers and stockmen in the supreme judicial district in which said school is located.

Sec. 16. (91-S.) Short Courses.—There shall be held annually by each of said agricultural schools a farmers' short course extending over at least one week and embracing practical and elementary scientific instruction in those branches of agriculture that may be deemed most important in the supreme court judicial district in which any such agricultural school is located at the time such short course of instruction is to be provided, including a course in domestic economy, canning, preserving and cooking. There shall be no fees charged for attendance on these practical courses of instruction and no entrance examinations may be required: Provided, That all white citizens over fifteen years of age shall be entitled to admission to such courses.

Sec. 17. (92-S.) Common School Branches.—No courses of instruction shall be offered in such agricultural schools other than industrial courses but this shall not exclude teaching the common school branches, the languages, manual training, manufacture, the sciences, and other necessary studies as subjects in the industrial course.

Sec. 18. (93-S.) Appropriation.—There is hereby appropriated out of the building fund of the State treasury for the purpose of erecting the necessary building, or buildings, for the two first schools the sum of \$20,000, or so much thereof as may be necessary, for each school, and out of the State treasury for the maintenance and support of such schools the sum of \$12,000 for each school per annum for maintenance during the first year; provided that one-fourth of the sum herein appropriated for the support and maintenance of such schools shall be expended in developing agricultural experiments in field, barn, orchard, shops, and garden of practical value to students of the school and to farmers of the supreme court judicial district in which such school may be located.

Sec. 19. (94-S.) Advertisements.—The "State Commission and Agricultural and Industrial Education" is hereby authorized, subject to the approval of the board of agriculture, to advertise for plans and specifications and to contract under the terms of this act for the construction of such buildings subject to such laws as are in force governing the advertising for plans and specifications and the construction of other public buildings.

ARTICLE XXXI.
Child Labor Law.

SECTION

1. Schooling Certificate.
2. Approval of Certificate.
3. Evidence Required for Approval.

SECTION

4. Attendance Certificate, etc.
5. Violations Penalized.
6. Repeal Clause.

Sec. 1. (8-S.) School Certificate.—Before any child under the age of sixteen years shall be employed in any occupation specified in section one of this act, it shall be the duty of the parent or guardian of such child to procure and furnish the employer of such child an age and schooling certificate as hereinafter provided by this act.

It shall be the duty of every person, firm or corporation of such establishments as are specified in section one of this act, or employers in such occupations, to keep on file for the inspection of factory inspectors, truant officers, or other persons charged with the administration of this act, such age and schooling certificate, for every child under sixteen years of age employed in such occupation, and to keep on file and to post conspicuously in every room where such children are employed a register, with a complete list of children under sixteen years of age so employed, together with the age of each child as set forth in the age and schooling certificate opposite the name of such child, and also to keep on file and to post conspicuously in such place or establishment, in such form as the factory inspector may prescribe, the time of opening and closing such factory or other establishment, the number of hours of labor required or permitted in such establishment, the hours of commencing and stopping work, and the time allowed for meals, and if there be two or more shifts in such establishment the numbers of hours in each shift during which the employees are required or permitted to work. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The inspector of factories, truant officer or other person charged with the administration of this act, may make demand on an employer in whose factory or establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this section, that such employer shall either furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory or establishment. Such officer may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to such officer, within ten days after such demand, such evidence of age herein required by him, and shall thereafter continue to employ such child to work in such factory or establishment, proof of the giving such evidence shall be prima facie to produce and file such evidence such evidence shall be prima facie evidence in any prosecution brought for a violation of this provision of this act that such child is under sixteen years of age and is unlawfully employed.—L. 1909, S. B. 11, pp. 631-2.)

Sec. 2. (9-S.) Approval of Certificate.—The age and schooling certificate shall be approved only by the county superintendent of public instruction, or other school official designated by him, who shall, for the purpose of this act, be empowered to administer an oath.—(L. 1909, S. B. 11, p. 632.)

Sec. 3. (19-S). Evidence Required.—The age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, or certificate of birth, or the register of the city or county, or an affidavit of the date of such birth by a legally registered physician residing therein, stating the time of birth of such child, or the school record of such child, in the public or other school, setting forth the age of such child; Provided, that, in cases where such evidence cannot be obtained and the child appears to be in good health, and of normal size, of not less than sixty inches in height and weighing not less than eighty pounds, the parent or guardian of such child may make affidavit stating the age, place and time of birth of such child, or if the child shall have no parent or guardian, such affidavit may be made by the child. The affidavits required by this section must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. The employment certificate shall not be issued until such child has further personally appeared before the officer issuing the same and he is satisfied that such child is physically able to perform the work which it intends to do. In doubtful cases, such physical fitness shall be determined by a medical officer of the board or department of health. Every employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.—(L. 1909, S. B. 11, pp. 632-3.)

Sec. 4. (11-S.) Attendance Certificate.—The age and schooling certificate shall not be approved until the parent or guardian of such child shall present a school attendance certificate as hereinafter prescribed by this act. A duplicate of such age and schooling certificate shall be filled out and sent by the school officer, before whom the same is made, to the Commissioner of Labor. The blank forms for school attendance certificate and for the age and schooling certificate shall be supplied to the county superintendents of public instruction by the state superintendent of public instruction as hereinafter indicated:

SCHOOL ATTENDANCE CERTIFICATE.

----- (Name of School)
 ----- (City and County)
 ----- (Date)

This certifies that----- (Name of child) can read and write simple sentences in the English language and that according to the records of this school and in my belief is now----- (number of years and months) old, and has attended school during the full school term of the preceding year.

----- (Name of Parent or Guardian)
 ----- (Residence)
 ----- (Signature of Teacher)

AGE AND SCHOOL CERTIFICATE.

This certifies that I am ----- (father, mother or guardian) of -----
----- (name of child) and that he (or she) was born at -----
(town or city) ----- (county) ----- (state or county)
on the ----- (day, month and year of birth) and is now -----
(number of years and months old.)

----- (Signature of parent or guardian.)

----- (Date)

----- (City or town or county)

Personally appeared before me the above mentioned -----
(name or person signing) and made oath that the foregoing certificate is
true to the best of his (or her) knowledge and belief.

I hereby approve the foregoing certificate of ----- (name of child,)
height ----- (feet and inches,) weight ----- (pounds,) complex-
ion ----- (fair or dark,) hair ----- (color,) eyes ----- (color,)
having no sufficient reason to doubt that he (or she) is of the age therein
certified.

OWNER OF CERTIFICATE.

This certificate belongs to ----- (name of child) and is to be
surrendered to him (or her) whenever he (or she) leaves the service of the
employer holding the same, but if not claimed by said child within thirty
days after leaving said service, shall be sent to the commissioner of labor.

(Signature of officer, with name of city, town or county and date.)

—(L. 1909, S. B. 11, pp. 632-3.)

Sec. 5. (12-S.) Violations Penalized.—Any person, firm or corporation violating any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment for not less than ten nor more than thirty days, or by both such fine and imprisonment. The employment of any child under sixteen years of age without a certificate as herein prescribed or the employment of any child under sixteen years of age or any girl or woman underground in any mine or quarry, or the signing of any false statement as to the age of any child, or the making of any false statement in an affidavit of an employer, shall be prima facie evidence of guilt. It shall be the duty of the commissioner of labor to see that the provisions of this act are enforced, with the exception of section three shall be enforced by the mine inspector or under his direction.—(L. 1909, S. B. 11, p. 634.)

Sec. 13. All laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved March 2, 1909.

(L. 1909, S. B., 11, p. 634.)

ARTICLE XXXI.

THE STATE SUPERINTENDENT'S OPINIONS BOILED DOWN.

1. May women be elected members of school boards? Yes.
2. May women vote at school elections? Yes.
3. May postmasters and other federal officials serve on school boards?
As a general rule it is not legal, but an exception is made in the case of fourth class postmasters.
4. May school officers employ their relatives as teachers? No.
5. When a school treasurer is not elected in cities of the first class at the city elections how is he elected? By the city council.
6. What member of the district school board is elected in 1910? The clerk. In 1911 the director. In 1912 the treasurer.
7. How long does an appointed member of the district school board serve? Only until the first annual school meeting following the date of his appointment.
8. When there is a partial change in the board, may the old board employ teachers or make other necessary contracts? Yes. The courts rule that such a board is a continuous body and the retirement of a portion of its members does not destroy its existence as a corporate body.
9. When there is a complete change in the board, may the old board employ teachers and make contracts for insurance, buildings, etc.? Ordinarily this can not be done, but the Williams bill contains a clause legalizing such procedure and gives the present board the right to make such contracts.
10. What is the legal limit of indebtedness for any school district? The limit fixed by the constitution in Article X, Sec. 26, is 5 per cent and this applies instead of the 4 per cent fixed by the statutes of Oklahoma prior to statehood. See also Art. XXI, H. B. 14, L. 1910.
11. Can school houses be built on segregated coal land? No—unless permission is secured from the secretary of the interior at Washington, D. C.
12. Can a school district through the County Excise Board under any circumstances vote more than five mills on the dollar for school purposes? Yes. (See Article XIII, H. B. 14, L. 1910.) (See Article VIII, Section 3 in this book.) For building purposes. (See Article VIII., Section 4.)
13. Is the county superintendent entitled to a fee of \$3.00 per day while serving as a member of the county board of examiners? Certainly so, regardless of what his salary may be.
14. May county superintendents recognize or renew federal certificates? Only when applicants attend the county institute and comply with the provisions of the Evans institute law.
15. Has the county treasurer any right to pay out money received from fines and forfeitures reverting to the county school fund until such fund has been properly apportioned by the county superintendent? No.
16. Is it the duty of the county superintendent to apportion the county school fund at the same time he apportions the State school fund? Yes.
17. Is the use of supplementary texts compulsory? Answer, No.
18. May members of city council serve as members of school boards? Answer: No. See S. B. 24, L. 1910.
19. Are county superintendents entitled to a visitation fee of \$1.00 per room or only \$1.00 per school regardless of the number of rooms? Answer: The latter.

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DEC 19 1911
GIFT

STATE OF OKLAHOMA

SCHOOL LAWS

Passed by the

Third Legislature
1911



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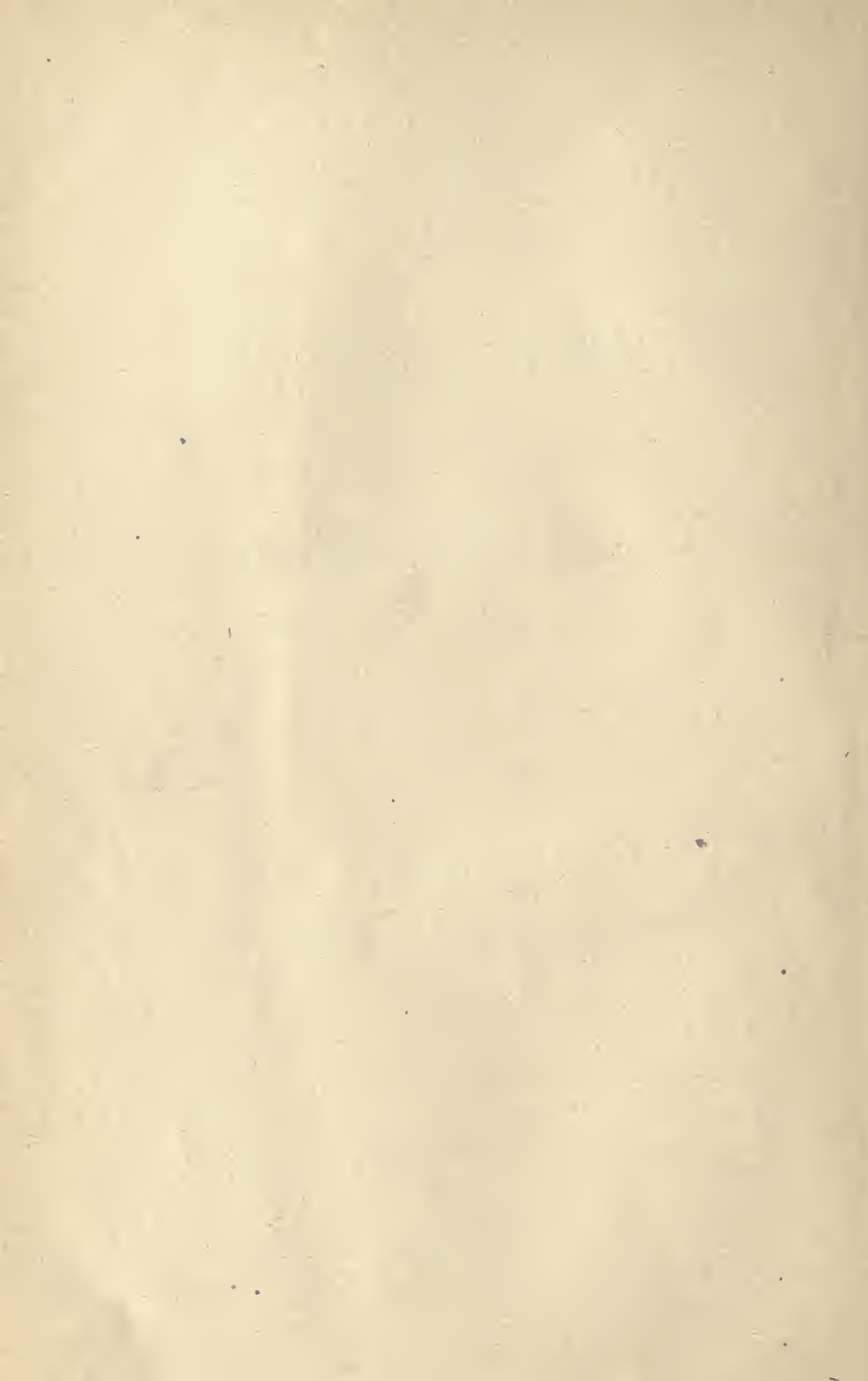
COMPILED BY

R. H. WILSON, State Superintendent

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SCHOOL LAWS

ENROLLED.

House Joint Resolution No. 2.

By Milburn, Killam and Coyne of the House and Franklin of the Senate.

A Resolution Authorizing the Submission of a 'Proposed Amendment to the Constitution to the People for Their Approval or Rejection; Said Proposed Amendment Providing for the Levying of a Tax for the Benefit of the Common Schools and the Distribution Thereof.

Be it Resolved by the House of Representatives and the Senate of the State of Oklahoma:

The following proposed amendment to the Constitution of the State of Oklahoma shall be referred to the people for their ratification or rejection at the general election to be held in the year 1912. Said proposed amendment shall be submitted under Article 5 and 24 of the Constitution and under the provisions of Article 1 of Chapter 44 of the Session Laws of Oklahoma, 1907-08, to be known, if adopted or approved by a majority of votes cast at such election, as Section 31, Article 10, of the Constitution.

Section 31. The Legislature shall have power to levy taxes in the aid of the common schools of the state and to provide for the apportionment and distribution thereof. Whenever the amount realized from a five mill ad valorem levy and all other sources shall be insufficient to maintain the common schools in any district five months in any year the remaining sum necessary to so maintain such school shall be apportioned and paid out of such state levy.

Said proposed amendment shall be submitted in the following form:

Shall the Proposed amendment be adopted?

Yes

No

Said proposed amendment to the Constitution of the State of Oklahoma, shall, upon receiving a majority of all electors voting at said election, voting in favor of said amendment, be adopted and shall constitute a new section to be known as Section 31, of Article 10.

Passed the House of Representatives January 23, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Passed the Senate the 11th day of March, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate.

Approved March Sixteenth, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

W. H. NEW,

Chairman Committee on Enrollment.

ENROLLED.

House Bill No. 85.

By Logan.

AN ACT

To Give to Commercial Clubs, Chambers of Commerce, or Other Similar Organizations, a Right to Lease and Purchase State Lands From the Commissioners of the Land Office and Declaring an Emergency.

Be it Enacted by the People of the State of Oklahoma:

Section 1. That any Commercial Club, Chamber of Commerce, or other similar organization, incorporated under the laws of the State of Oklahoma, of any city, town or village of the State of Oklahoma, shall be permitted to lease or purchase land from the Commissioners of the Land Office of the State of Oklahoma, under the same rules and regulations as other lessees or purchasers of state land; Provided, that said land so leased or purchased must be located within one mile of the corporate limits of said city, town or village. Provided, that not more than three hundred and twenty acres of said land shall be leased or sold to such organization in any city, town or village.

Section 2. For the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives this 24th day of February, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Passed the Senate this the 4th day of March, 1911.

J. J. McALESTER,

President of the Senate.

Approved March Sixth, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

W. T. CLARK,

Acting Chairman of Committee on Enrollment.

ENROLLED.

House Bill No. 86.

By Logan.

AN ACT

To Give Any Purchaser of School Land Situated Within One Mile of the Corporate Limits of Any City, Town or Village in the State of Oklahoma, the Privilege of Paying All Deferred Payments on Said Land at Any Time After the Purchase Thereof and Repealing All Acts in Conflict Herewith.

Be It Enacted by the People of the State of Oklahoma:

Section 1. The purchaser of any school land, sold by the Commissioners of the Land office of the State of Oklahoma, situated within one mile of the corporate limits of any city, town or village in the State of Oklahoma, shall have the privilege at the time of the purchase, or at any time thereafter, to pay any or all deferred payments, both principal and accrued interest to the Commissioner of the Land Office of the State of Oklahoma, and upon such payment being made the patent for said land shall be issued to the purchaser or his assigns by the Commissioner of the Land Office of the State of Oklahoma, as provided by law.

Section 2. All acts and parts of acts in conflict herewith, are hereby repealed.

Passed the House of Representatives, this the 24th day of February, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Passed the Senate this the 4th day of March, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate.

Approved March Sixth, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

W. T. CLARK,

Acting Chairman of Committee on Enrollment.

ENROLLED.

House Bill No. 95.

By Coffey of the Senate and Woodson of the House.

AN ACT

Setting Aside and Creating a Fund to be Known as Consolidated School District Fund, for a Specified Use, All the Lands, and Funds Derived from the Sale Thereof, Embraced in Section 33, and Lands Selected in Lieu Thereof, Located in Greer County, as the County Existed Prior to Statehood, Together With the Proceeds of All Incomes Derived, or That May Accrue Therefrom Making Provisions for the Sale of Said Land.

Be It Enacted by the People of the State of Oklahoma:

Section 1. All the lands and funds that have heretofore been or may hereafter be derived from the sale thereof, embraced in Section 33 according to the United States survey, located in Greer county, as the county existed prior to November 16th, 1907, together with all lands selected in lieu

thereof, and the proceeds of all rentals, interests and sales accrued, or that may accrue therefrom, shall be set aside and credited to a fund which is hereby created, to be known as the "Union Graded or Consolidated School District Fund." the same to be used only to assist in constructing or paying for school buildings or consolidated school districts that have been or may hereafter be constructed under existing laws pertaining to consolidated school districts.

Section 2. The Commissioners of the Land Office are authorized and directed to sell and convey the lands described and set aside in Section 1 of this Act; same to be sold under the provisions, limitations, exceptions, rules and regulations of lands sold under amended Senate Bill No. 1, approved March 2nd, 1909, the same being Article 2 of Chapter 28 of the Session Laws of Oklahoma, 1909, or as may be hereafter provided by law.

Section 3. Such funds as have now accrued by virtue of rentals, and such as may hereafter accrue by virtue of rentals, and the proceeds of sale and interest thereon, prior to January 1st, 1913, are hereby appropriated and placed at the disposal of the State Board of Education, subject to the conditions and limitations contained in this Act.

Section 4. The State Board of Education in apportioning said fund shall make such rules and regulations as shall ultimately result in a fair and equitable distribution of said fund to the different counties of the state, in proportion as nearly as may be possible to the scholastic population outside of cities of the first class.

Section 5. In any union graded or consolidated school district that has been formed for a term of not less than six scholastic months, and has employed at least three teachers, and has an actual attendance during the said term of not fewer than one hundred thirty scholastic pupils residing within the boundary of said district. (the district having furnished free transportation to such as are contemplated by the law provided for consolidated school districts), and that has already constructed and furnished a suitable building of not fewer than three rooms, upon making proof of compliance with the foregoing provisions approved by the State Superintendent of Public Instruction. shall have drawn by the State Auditor upon the State Treasury against said building fund in favor of the treasurer of said consolidated school district, a warrant for a sum not to exceed one-half the cost of said building. Provided, that in no case shall any district receive a sum exceeding twenty-five hundred (\$2,500.00) dollars, from the appropriation herein made; provided, that the State Board of Education may decrease this amount if in its judgment the amount is greater than a fair proportion belonging to one district.

Section 6. Whenever a school district of not less than twenty-five (25) square miles in area shall have been established and conducted for a period of not less than six months under the terms of existing laws with reference to the consolidation of schools, and a building containing not fewer than three rooms, suitably constructed, equipped and furnished shall have been built, and a graded school employing not less than three teachers shall have been conducted for a

term of not less than six months, upon making proof of compliance with the foregoing provisions approved by the State Superintendent of Public Instruction shall have drawn a warrant in favor of the district treasurer as provided in Section 5 of this act.

Passed the House of Representatives this the 28th day of February, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Passed the Senate this the 11th day of March, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate.

Approved March Twentieth, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

ENROLLED.

House Bill No. 108.

By Barrett and Akin. AN ACT

Providing for the Attendance of School Children in Districts

Other than the Districts in Which They Reside:

Be it Enacted by the People of the State of Oklahoma:

Section 1. The county superintendent of any county in this state, may when in his judgment the best interests of the schools will not be adversely affected, and when requested by the parents or guardian, permit children living in any school district in this state at a distance of two miles or more from the school house at the home district, to attend school in another district, by giving notice in writing, to the school boards of the two school districts affected, at least two months before beginning of school in either district. When the county superintendent authorizes such transfer of children from one district to another, he shall transfer the state, county, and school district funds for such children from the district in which they reside to the district in which they attend school. Provided that any child, prepared to enter a grade higher than is offered by the home district, shall be entitled, on written request of the parent, to transfer in the same manner as described in this act, to a district, town or city school offering such higher grade of work.

Section 2. After having given notice of the proposed change of districts, the parents and children shall be bound for the school year unless released by act of the majority of the school board of each district affected. The children shall be governed by the regulations, rules and the compulsory school law of the district in which they have chosen to attend school.

Section 3. Renters and others who come into a school district after the school term has begun may make a choice of schools under the above regulations by giving notice as soon as a residence has been established, and their children shall be enumerated for that year by the school board for the district in which they shall attend school.

Passed the House of Representatives, this the 6th day of February, 1911.

W. A. DURANT,
Speaker of the House of Representatives.
Passed the Senate, this the 11th day of March, 1911.
J. ELMER THOMAS,
President Pro Tempore of the Senate.
Approved March Sixteenth, 1911.

LEE CRUCE,
Governor of the State of Oklahoma.
W. H. NEW,
Chairman Committee on Enrollment.

ENROLLED.

House Bill No. 145.

By Steen and Jayne of the House and Graham of the Senate.

AN ACT

Directing County Superintendents of Public Instruction to Employ the Teachers for the Separate or Minority Schools in Their Respective Counties, Empowering Them to Prescribe Rules and Regulations for the Government of Such Schools, Repealing All Laws in Conflict Herewith, and Declaring an Emergency.

Be it Enacted by the People of the State of Oklahoma:

Section 1. It shall hereafter be the duty of all County Superintendents of Public Instruction to contract with and employ all the teachers for the separate, or minority schools now maintained or hereafter to be established in their respective counties; said teachers before being so employed shall possess all the qualifications which are now required by law, and shall be paid in the same manner as is now provided by law.

Section 2. The County Superintendent of Public Instruction shall have the power to prescribe rules and regulations for the government of said separate or minority schools.

Section 3. An emergency is hereby declared to exist by reason whereof it is necessary for the immediate preservation of the public health and safety that this act take effect and be in force from and after its passage and approval.

Passed the House of Representatives the 15th day of February, 1911.

W. A. DURANT,
Speaker of the House of Representatives.
Passed the Senate the 11th day of March, 1911.
J. ELMER THOMAS,
President Pro Tempore of the Senate.
Approved March Sixteenth, 1911.

LEE CRUCE,
Governor of the State of Oklahoma.
W. H. NEW,
Chairman Committee on Enrollment.

ENROLLED.

House Bill No. 396.

By Wright, Fuller and Jackson.

AN ACT

Requiring Treasurers of Cities, Towns, Villages, Treasurers of

Boards of Education of Cities, Township Treasurer and School District Treasurer, to Deposit All Money Belonging to Such City, Town, Village, Board of Education of Cities, Township and School District Funds, in Banks Paying 3 Per Cent Interest on Daily Balances, Fixing Penalty for Violation Thereof, and Declaring an Emergency.

Be it Enacted by the People of the State of Oklahoma:

Section 1. No Treasurer of any city, town, or village, Treasurer of the Board of Education of any City, Township Treasurer, nor School District Treasurer in this state, shall deposit any of the money belonging to such city, town, village, the Board of Education of such city, Township Treasurer or School District Treasurer, in any bank which will not pay for such money not less than three per cent interest on the average daily balances of all such money in said bank; provided such interest shall become a part of the funds on deposit.

Section 2. Any such Treasurer who violates Section 1 of this act shall be guilty of malfeasance in office and shall be subject to removal from office.

Section 3. An emergency is hereby declared to exist for the immediate preservation of the public peace and safety, by reason whereof this act shall be in force and effect from and after its passage and approval.

Passed the House of Representatives this the 24th day of February, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Passed the Senate this the 9th day of March, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate.

Approved March Eleventh, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

W. H. NEW,

Chairman Committee on Enrollment.

SENATE BILL NO. 62.

By Coffey of the Senate and Logan and McClintic of the House
A BILL

Entitled An Act Providing for the Sale of Such School Lands as May Be Needed for Sites for School Houses, and Declaring an Emergency.

Be it Enacted by the People of the State of Oklahoma:

Section 1. Upon application of any regularly organized School District Board to the Commissioners of the Land Office, wherein it is made to appear that it is necessary to locate a site for a public school house on any of the Public School Land or State Lands, the Commissioners of the Land Office are hereby authorized and directed to have, or cause to have, such public building site surveyed, said site to not embrace more than four acres of land, and said Commissioner shall cause said site, so located and surveyed, to be appraised as provided by law, and when said School District Board shall have filed with said Commissioners of the Land Office a relinquishment of the preference right and interest held therein by the lessee of said site so located and surveyed, or when said

School District Board shall have condemned the preference right and interest of said lessee in said site, express authority being herein granted to such School District Board to so condemn such lessee's interest in any such land for the purposes herein mentioned under the condemnation procedure now applicable to railroads, and shall have filed with said Commissioners of the Land Office the final judgment of the court, thereupon said Commissioners of the Land Office shall, upon the payment to the state of the appraised value of said site and tract, so located and surveyed, make, execute and deliver to said School District Board a patent to said tract, as provided by law.

Section 2. The money arising from the sale of public school land, as provided in Section 1 of this Act, shall be appropriated and used in the same manner and for the same purposes as money arising from the sale of other public school lands of the state, or as money arising from the leasing of public school lands.

Section 3. An emergency is hereby declared to exist for the preservation of the public peace, health and safety, wherefore this Act shall take effect and be in force from and after its passage and approval.

Passed the Senate February 23rd, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate.

Passed the House of Representatives March 11th, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Approved March Twentieth, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

Examined and found correctly enrolled.

R. P. WYNNE.

SENATE BILL NO. 85.

By Graham of the Senate and Woodson of the House.

A BILL

Entitled 'An Act Giving the County Superintendents of the State of Oklahoma a Right to Employ One Assistant; Allowing Them Their Necessary and Actual Expenses Incurred While Inspecting the Schools of the County Once Each Year, and Declaring an Emergency.

Be it Enacted by the People of the State of Oklahoma:

Section 1. That each County Superintendent of this state shall have the right to employ an assistant or clerk who shall receive the sum of fifty dollars (\$50.00) per month; said salary to be paid monthly by the Board of County Commissioners.

Section 2. That each County Superintendent of this state shall be allowed all actual and necessary traveling expenses while away from home inspecting the schools of the county; Provided, no expense shall accrue for the inspection of a school more than once annually.

Section 3. An emergency is hereby declared, by reason whereof it is necessary for the immediate preservation of the public peace, health and safety that this Act take effect and be in force from and after its passage and approval.

Passed by the Senate March 8th, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate

Passed by the House of Representatives March 11th, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Approved March Twenty-fourth, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

Examined and found correctly enrolled.

R. P. WYNNE.

SENATE BILL NO. 100.

By Jones.

AN ACT

Relating to the Issuance of Warrants and Certificates of Indebtedness; Providing Manner and Limit of Issuance of Any Municipality; Method of Registration and Payment; Providing Penalties for Issuing Warrants, Evidences or Certificates of Indebtedness in Any Form in Excess of the Estimate Made and Approved for the Fiscal Year or Authorized by a Bond Issue, and Repealing All Acts in Conflict Herewith.

Be it Enacted by the People of the State of Oklahoma:

Section 1. All public funds of any county or of any subdivision thereof shall be disbursed only in the payment of legal warrants, bonds and interest coupons.

Section 2. It is hereby made the duty of every officer authorized to allow, issue, draw or attest any warrant or certificate of indebtedness against the public funds of any county, city, town, township, board of education, school district or any other subdivision of the county; to issue, drawn and record all warrants, bonds, and interest coupons, in the numerical order issued on each fund, beginning with number one and issuing the same consecutively during the fiscal year. At the beginning of each fiscal year a new series shall be commenced, and said series shall be designated by writing the fiscal year on the warrant or certificate of indebtedness for which the levy to pay the same has been made.

Section 3. The term "estimate made and approved" as used herein, is defined to mean the itemized statement of the estimated needs of municipality for its current expenses for the ensuing fiscal year, as approved and fixed by the excise board or by vote of the municipality, adding thereto the amount necessary to create a sinking fund to meet maturing bonds, judgments and interest coupons, but the amount or limit to which warrants and certificates of indebtedness may be issued, shall not include the ten per cent to be added to the estimate for delinquent taxes.

Section 4. Each and every warrant or certificate of indebtedness must be drawn against a specific fund, and there shall be shown on such warrant, or certificate of indebtedness, by the officer or person issuing, drawing or attesting the same, the amount of the estimate made and approved by such purpose for the fiscal year or the specific amount authorized by a bond issue for said purpose; the amount of warrants or cer-

tificates of indebtedness issued or drawn against said fund and the net balance to the credit of said fund. As soon as said warrant, certificate of indebtedness, or bond is issued, the same shall be at once signed and attested and forthwith delivered by the officer attesting the same, to the treasurer of the county or subdivision thereof, issuing the same for registration.

Section 5. It is hereby made the duty of the treasurer of the county, or the treasurer of any subdivision thereof, to whom a warrant, certificate of indebtedness or bond is directed for payment, to register the same in a book to be kept for that purpose by entering therein the number, the date, the name of the payee, the fund upon which it is drawn and the amount, and by writing in the warrant or evidence of indebtedness, the date of registration, his name and official title. All warrants, certificates of indebtedness or bonds shall be registered in the same numerical order in which they have been issued, and when so registered shall be returned to the officer attesting the same. No warrant, certificate of indebtedness or bond shall be a valid charge until registered by the treasurer of the municipality issuing the same. Warrants and all evidences of indebtedness shall bear interest at the legal rate from and after its registration by the treasurer, unless there is cash on hand to pay the same when presented for registration and then the treasurer shall make the same "payable" after registering the same, and no interest shall be computed or allowed thereon when paid. When the treasurer has money on hand to pay warrants duly registered, he shall publish notice thereof in one issue of a newspaper, or by posting five notices in public places, and interest shall cease on said warrants after thirty days from the date of said publication or posting of said notices.

Section 6. Warrants and certificates of indebtedness may be issued to the amount of the estimate made and approved by the excise board for the current fiscal year or to the amount authorized for such purpose by a bond issue.

Section 7. It shall be unlawful for any officer to issue, approve, sign, attest or register any warrant or certificate of indebtedness in any form in excess of the estimate of expenses made and approved for the current fiscal year or authorized for such a purpose by a bond issue, and any such warrant or certificate of indebtedness issued, approved, attested or registered in excess of the estimate made and approved or authorized by a bond issue, shall not be a charge against the municipality upon which it is issued, but may be collected by civil action from any officer issuing, drawing, approving, signing, attesting, registering or paying the same, or from either or all of them or from their bondsmen.

Section 8. Any treasurer who shall register or pay a warrant, or certificate of indebtedness, issued in excess of the estimate made and approved by the excise board for the current fiscal year, or in excess of a bond issue for such purpose, shall be guilty of a misdemeanor.

Section 9. It shall be unlawful for the Board of County Commissioners, the city council or the commissioners of any city, the trustees of any town, board of education, township board, school district board of any member or members of the

aforesaid commissioners, or of any of the above named boards, to make any contract for, incur, acknowledge, approve, allow or authorize any indebtedness against their respective municipality or authorize it to be done by others, in excess of the estimate made and approved by the excise board for such purpose for such current fiscal year, or in excess of the specific amount authorized for such purpose by a bond issue. Any such indebtedness, contracts, incurred, acknowledged, approved, allowed or authorized in excess of the estimate made and approved for such purpose for such current fiscal year or in excess of the specific amount authorized for such purpose by a bond issue, shall not be a charge against the municipality whose officer or officers contracted, incurred, acknowledged, approved, allowed or authorized or attested the evidence of said indebtedness, but may be collected by civil action from any official contracting, incurring, acknowledging, approving or authorizing or attesting such indebtedness, or from his bondsmen.

Section 10. Any officer contracting, incurring, acknowledging, authorizing, allowing or approving any indebtedness, or any officer issuing, drawing, or attesting any warrant or certificate of indebtedness in excess of the estimate made and approved by the excise board for such purpose for such current fiscal year or in excess of the specific amount authorized for such purpose by a bond issue, or who violates any other provision of this Act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars or more than one thousand dollars, and shall forfeit and be removed from his office.

Section 11. All acts or parts of acts in conflict herewith are hereby repealed to the extent of such conflict.

Passed by the Senate February 20, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate.

Passed by the House of Representatives March 11, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Approved March Fifteenth, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

Correctly enrolled.

R. P. WYNNE.

SENATE BILL NO. 132.

As Amended by Conference Committee.

By Wynne, Coffey and Williams of the Senate, and Barrett, Akin, Logan, Durant, Davison, Clark (of Grant) and Williams (of Comanche) of the House.

A BILL

Entitled An Act to Provide for a State Board of Education, Prescribing Its Powers and Duties and Declaring an Emergency.

Be it Enacted by the People of the State of Oklahoma:

Section 1. The State Board of Education shall consist of seven members including the State Superintendent of Public Instruction, who shall be the President, and six members ap-

pointed by the Governor and with the advice and consent of the Senate, for a period of six years, except as hereinafter provided. The appointive members shall possess the same qualifications and be subject to the same restrictions and limitations as are now required of the Text Book Commission, and at least two of them shall be practical school men who shall have had at least four years experience in actual school work, two years of which shall have been in the State of Oklahoma. Upon the passage and approval of this Act two members shall be appointed for a term ending June 30th, 1913, two members for a term ending June 30, 1915, and two members for a term ending June 30, 1917, subsequent appointments, except to fill vacancies, shall be for the full term of six years.

The appointive members of said board shall receive as compensation for their services the sum of six (\$6.00) dollars per day, their necessary traveling expenses, and actual hotel expenses not to exceed three (\$3.00) dollars per day, while in the performance of their duties and they shall not be removed during their term of office except for cause.

There shall be appointed by the President to be approved by said board, a secretary, who shall receive a salary of two thousand dollars per annum, and a stenographer who shall receive salary of twelve hundred dollars per annum, payable monthly and said positions are hereby created.

Section 2. The State Board of Education, organized in pursuance of this Act, shall be the legal successor of the State Board of Education as it now exists, the State Text Book Commission, the Board of Regents of the State University, the Board of Regents of the University Preparatory Schools at Tonkawa and Claremore, the Board of Education now in control of the State Normal Schools, the Board of Regents of the Oklahoma Industrial Institute and College for Girls at Chickasha, the Board of Regents of the School of Mines and Metallurgy at Wilburton, the Board of Control of the School for the Deaf at Sulphur, the Board of Control for the School for the Blind, the Board of Control of the Boys' Training School at Pauls Valley, the Board of Control of the Orphans' Home at Pryor Creek, the Board of Control of the Institution for the Feeble Minded at Enid, the Board of Regents of the Colored Agricultural and Normal University at Langston, the Board of Regents of the Institute for the Deaf, Blind and Orphans Home for the Colored at Taft, and shall have all the powers, rights and privileges heretofore legally exercised by said Boards; Provided, nothing in this Act shall invalidate any contracts entered into by the Text Book Commission. Said Board shall have the following additional powers and duties:

a. The general supervision of the public schools of the state.

b. To formulate and adopt courses of study for the common schools and county normal institutes, and arrange courses of study and adopt text books for use in the higher educational institutions of the state.

c. To formulate rules and regulations governing the issuance of all certificates to teach in the public schools of this state.

d. To prepare questions for the examination of applicants

for county and city certificates to teach in the public schools of the state.

e. To examine applicants for state certificates, to teach in the public schools of the state, and for conductors' and instructors' certificates to teach in the county normal institutes.

f. To prepare examination questions for graduates from the eighth grade of the public schools.

g. To classify the public high schools of the state and properly accredit them to the various higher educational institutions of the state.

h. To formulate and adopt courses of study for state pupils' reading circles, and for state teachers' reading circles, and to select books to be used in said reading circles, and to prepare questions for the issuance of reading circle certificates.

i. The State Board of Education shall make a biennial report to the Governor and Legislature, setting forth the work of the board and the condition of the schools of the state. The board shall also prepare and submit to the Governor thirty days before the convening of each regular session of the Legislature a budget estimating the necessary appropriations for each of the institutions under their management and control.

j. Upon application having been made in writing by the organization representing the commercial and business colleges and institutions in this state, it shall be the duty of said board to formulate rules and regulations which shall govern the organization, operation, management and control of said commercial and business colleges; the authority herein granted is in addition to that above stated to extend to the formulation and adoption of courses of studies, the length of time necessary to complete same, and rules and regulations governing the issuance of diplomas by said commercial colleges.

Section 3. For the preservation of the public health and safety an emergency is hereby declared to exist, by reason whereof it is necessary that this Act take effect and be in force from and after its passage and approval.

Passed by the Senate March 3rd, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate.

Passed by the House of Representatives March 6, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Approved March Sixth, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

Examined and found correctly enrolled.

GEO. A. COFFEY,

Chairman.

ENROLLED.

Senate Bill No. 139.

By Wynne of the Senate and Akin of the House

A BILL

Entitled an Act Empowering the State Superintendent to Ap-

point a State Inspector of Schools; and Fixing His Duties and Salary.

Be it Enacted by the People of the State of Oklahoma:

Section 1. The State Superintendent may appoint a State School Inspector, who shall visit and inspect the city, town and rural schools of the State, and aid in giving information and assistance in the organization and maintenance thereof. This Inspector shall assist the State Superintendent in preparing such special reports to the Governor, Legislature and State Board of Education bearing upon the condition and needs of the city, town and rural schools of the State as may be advisable. It shall also be the duty of this Inspector to confer with each city and county superintendent concerning the condition and needs of the schools in his city or county, to consult with school officers, patrons and teachers in regard to school management, discipline, branches of study, school law and school sanitation, and by public lectures, conferences and meetings endeavor to arouse an intelligent interest in industrial and agricultural education, as well as in the routine work of the schools. He shall investigate and report to the Superintendent plans for a better and more economical organization of the state school system, and more perfect articulation thereof. He shall, as far as practicable, encourage and assist in the organization and establishment of consolidated rural schools and rural high schools.

Section 2. The Inspector, provided for by this Act, shall work under the direction of the State Superintendent, and shall report to him as often as may be necessary concerning the condition of the schools inspected by him in the discharge of his duties. When the schools are not in session, said Inspector shall be assigned to other duties by the State Superintendent.

Section 3. The State School Inspector shall receive an annual salary of eighteen hundred dollars (\$1,800.00). and shall be reimbursed for all actual and necessary traveling expenses when duly certified to by the State Superintendent.

Section 4. Section 5884 of the Statutes of 1893 (the same being Section 7962 of Snyder's Compiled Laws) is hereby repealed.

Passed by the Senate March 8, 1911.

J. ELMER THOMAS,

President Pro Tempore of the Senate.

Passed by the House of Representatives March 11, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Approved March 22nd, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

Correctly enrolled.

R. P. WYNNE.

ENROLLED.

House Bill No. 462.

By Williams (of Ccmanche.)

AN ACT

To Provide for the Transportation of Pupils in Consolidated

School Districts, and Repealing all Acts in Conflict Herewith.

Be it Enacted by the People of the State of Oklahoma:

Section 1. Section 4 of Article 1, Chapter 33, Laws of Oklahoma, is hereby amended to read as follows:

Section 4. The powers and duties of the District Board herein provided and of its several officers shall be the same as those provided by law for school district boards and their several officers, and in addition, it shall be the duty of said District Board to provide transportation to and from school for all pupils living one and one-half miles or more therefrom, in suitable vehicles of ample size, with comfortable seats arranged to conform to the sizes of the pupils to be carried with an adjustable cover for the comfort and protection of the pupils, drawn by stout, gentle teams and driven by persons of good moral character, who shall have control of said pupils during their transportation; provided, however, that when a majority of the voters voting at a special meeting called by proper notices as provided in law shall vote to do away with the transportation by the district, then transportation shall not be mandatory.

Section 2. All acts and parts of acts in conflict herewith be, and the same are hereby repealed.

Passed the House of Representatives March 1, 1911.

W. A. DURANT,

Speaker of the House of Representatives.

Passed the Senate March 11, 1911.

J. ELMER THOMAS,

President of the Senate.

Approved March 22, 1911.

LEE CRUCE,

Governor of the State of Oklahoma.

W. H. NEW,

Chairman Committee on Enrollment.

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